

**CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES
MEETING MINUTES
June 2, 2003**

Approved as submitted July 7, 2003.

DATE: June 2, 2003
TIME: 7:00 PM
PLACE: 58000 Grand River

Call to Order: Supervisor Shigley called the meeting to order at 7:02 PM.

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

Also Present: Philip Seymour, Township Attorney
Chris Olson, Township Superintendent
Chris Doozan, Township Planner
Tim Kniga, Township Engineer
Larry Phillips, Building Official
Les Cash, Fire Chief

Guests: 52

1. APPROVAL OF THE CONSENT AGENDA

- Approval of Special Meeting Minutes of April 16, 2003
- Approval of Regular Meeting Minutes of May 6, 2003
- Approval of Special Meeting Minutes of May 12, 2003
- Approval of Disbursements
- Approval of Financial Statements through April, 2003
- Superintendent Report
- Engineer Monthly Report
- Building Department Monthly Report
- Fire Department Monthly Report
- Sheriff Department Report
- Zoning Officer Report
- Earth Tech – WWTP Operating Report

Ms. Carcone made a motion to approve the consent agenda as submitted. Ms. Johnson

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

Gary Rickard, 25348 Buckminister, Novi, stated that his family owns a 30 acre parcel on Eleven Mile Road. He stated that behind this property South Hill Construction is building a lagoon for the sewage treatment plant. He discussed his concerns and objections with what is being done on the abutting property.

Mr. Olson stated that there is grading going on in this area and it is being done without a permit from the Township or the State at this point in time. He stated that this is not going to be a lagoon, it is a rapid discharge bed similar to the sand discharge beds that are located next to the waste water treatment plant. The ground water discharge that Mr. Harris got in 1999 does specify that construction plans have to be approved by the State. This has not been done so far. He noted that Mr. Rickard's father has been in twice to discuss this with him.

Mr. Olson stated that with regard to Midwest Consultants and whether or not they spoke to the Township Engineers, he received a letter from Tim Kniga. He asked Mr. Rickard which engineer he spoke with. Mr. Rickard responded that he did not speak to any of the engineers. Mr. Kniga stated that he did get a call from Midwest Consultants asking about the area. He stated that he directed Midwest to South Hill Construction. He stated that the Township Engineers did not come up with the plan, it was the actual engineers who are working at the site. He stated that they have a copy of the plans, but that is all that they have.

Mr. Olson stated that at this point in time where they are at is that there is a proposal to grade this area and get it ready for discharge beds for completed effluent. He stated again that this is not a lagoon project. He stated that this is very misleading with the way that it was presented. He stated that it is his understanding that it will not be 60' of excavating, but only 30' to 40'. He stated that permission has been requested and thus far, has been denied because there are not approved plans. He stated that Mr. Harris and his Attorney has been informed.

Mr. Young stated that because of the magnitude of this, he would suggest that this be added to the agenda for discussion. Mr. Shigley concurred.

Richard Lock, 59460 Albert Lane, discussed the contract with the Oakland County Sheriff's Department which comes up for renewal this year. He questioned if there are going to be any other options. He discussed the number of deputies and the cost.

Bill Altgilbers, 794 Huntington Drive, stated that when he became President of Continental

Aluminum in July of last year, he told this Board that one of his main priorities was to open the lines of communication and be a good neighbor. One of the first things he did was set up a hot line number and personally responded to the calls including visiting homes and investigating concerns.

He stated that he has talked to residents, local news media and the Township Board through local officials. He stated that Continental is complying with State and Federal regulations. He stated that testing has shown that this plant is operating well within these regulations. He briefly discussed some of the tests that they have done as well as improvements to the plant.

Mr. Altgilbers stated that it is their hope and goal to have a peaceful coexistence with their neighbors. He stated that last week there were seven local residents who visited and toured the plant. He stated that he found it interesting that there is so much misinformation out there about Continental Aluminum. He stated that the residents later contacted him to tell him that they found the visit very informative and valuable. He stated that he would like to extend the offer to others, not those associated with the class action lawsuit, to call him and set up a time for a tour of the plant.

Mr. Altgilbers stated that they have started their independent noise survey. Due to pending litigation, the Attorneys have advised him not to discuss the particulars of the study. He stated that unfortunately, these legal proceedings will make it difficult for Continental to make it happen at this plant.

Mr. Bisio questioned if they could get a copy of the test results from the test done at Dolson Elementary. Ms. Johnson responded that the Township has a copy of these results.

Darcy Hollon, 24300 Martindale Road, discussed the annexation issue. She had several requests for information with regard to this. Mr. Shigley stated that they could answer most of the requests. He noted that a lot of the actions cited have not happened yet. He also noted that Mr. Olson provided Ms. Hollon with a copy of the petition.

Jeff Potter, Oakland County Commissioner, gave a brief update on the County issues. He also left a number of copies of the Oakland County Senior Resource Directory for distribution as requested.

Robin Allen, 28550 Tindale Trail, asked when he would get an answer to the questions that he has asked at the past several meetings with regard to Continental Aluminum. He briefly discussed the test that was taken at Dolson Elementary School. He noted that he was at his house on Milford Road today with Larry Phillips and once again the odor was real bad. Mr. Shigley stated that they will be discussing a method of answering questions this evening. Mr. Olson answered a couple of Mr. Allen's questions.

Mr. Adams stated that he visited a resident on Griswold Road, who could not be here this evening. This resident, Jerrie Valentine, submitted a letter to him and requested that Mr. Adams read the

letter at the Board meeting. The Board members did receive a copy of this letter, which indicates that the Valentine's are very upset with regard to the easement on Griswold Road. This easement will take out several trees on their property.

Mr. Adams asked if the Engineers could go out to Griswold Road and look at this again. Mr. Young noted that the Road Committee has a meeting coming up and they could possibly add this issue to their agenda.

Darcy Hollon, 24300 Martindale Road, questioned if the right-of-way was changed to 120'. Mr. Doozan responded that the Oakland County Master Right-of-way Map has 120' for most of the mile roads. When new development takes place, they are requested to dedicate the additional right-of-way as part of the conditions of approval.

Robin Allen, 28550 Tindale Trail, stated that there are five pine trees that have died on the berm between his Milford Road home and Continental. He stated that he has asked to have these trees replaced. He stated that he has also asked about the status of the Township purchasing a camera and has not received any answer yet.

3. APPROVAL OF AGENDA

The following was added to the end of agenda for discussion, if time permits:
- Gary Rickard

Mr. Shigley stated that he would like to make a cut off time of 10:00 PM tonight.

Ms. Johnson made a motion to approve the agenda as modified. Mr. Bisio supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved.

4. ANNOUNCEMENTS AND COMMUNICATIONS

Ms. Carcone briefly discussed the dedication that will be held this Saturday.

Mr. Olson reminded the residents that the Hazardous Waste Day is Saturday,

5. UNFINISHED BUSINESS

a. Procedure for Answering Citizens Questions

Mr. Adams explained a procedure that he would like to implement with regard to answering the questions asked by the residents at the meeting. He noted that there is a form that was

developed

by Mr. Olson that the residents can complete. Mr. Olson would then distribute the forms to the appropriate person to answer the question.

Mr. Young stated that he felt that this is a great idea. He stated that this would formalize the process of answering questions. He questioned if the Board would try to answer questions during the meeting or are they going to postpone the answers. Mr. Adams responded that the questions that can be answered at the meeting will be answered. The questions that need to be researched or that would take a lot of time will be answered at a later time.

Mr. Adams made a motion to have the Board put in place the recommended procedure to answer the citizen's questions and concerns as stated in the request letter with the attachment. Mr. Bisio supported the motion.

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

Mr. Young stated that he is a little concerned. This would formalize the whole process but it leaves out a major part. When a person comes up and asks a question, he asked who is going to determine who will be the person to answer the question. He stated that they should let the Supervisor determine if the question is an emergency and then the Board can decide if this should go through the process. There was further discussion with regard to how this will be handled.

Ms. Carcone stated that she likes the form, but is very concerned about the people that are on the agenda. She stated that they waited in line and got their information into the Township in order to be on the agenda. She stated that this is why the Board is here and having a meeting. She stated that if they have comments for an hour, this means that they have already taken that much time away from the people who are on the agenda. She stated that she agrees with the idea of if it is an emergency, then they should discuss it. She stated that she would rather see the completed forms given to Chris Olson, who would then distribute them to the appropriate person so that an answer can be provided.

Mr. Adams stated that this is not intended to do away with the two minutes that the residents are allowed to speak. This is intended to answer the questions that are asked by the people.

Mr. Shigley asked if there were any public comments.

Robin Allen, 28550 Tindale Trail, stated that they have asked to have Continental put on the agenda. He stated that he believed that Mr. Shigley has asked to have Continental on the agenda each month. He stated that for whatever reason it has not been on the agenda, so the residents have to come up and speak at the beginning of the meeting.

Ms. Carcone stated that the Attorney has asked them not to put Continental on the agenda because of the pending litigation.

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

Motion approved.

b. Singh Development Proposal for Property Annexation, Section 19

Mr. Shigley stated that this is an item that they have received new information on. He stated that to follow Legal Counsel's recommendation, which is if the Board wants to revisit this issue, they must first make a motion of reconsideration. The motion must be made by a Board member who voted in the affirmative to the previous motion.

Mr. Bisio made a motion to reconsider the Singh Development Proposal for property annexation in Section 19. Mr. Adams supported the motion.

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

Mr. Adams complimented Singh Development for listening to the Board's concerns, taking action on those concerns and protecting the residents on Woodland Drive.

Mr. Shigley asked if there were any public comments.

Jack Renwick, 649 Woodland Drive, stated that they don't know what the proposal is or anything about it. He stated that it seems like the citizens of Woodland Drive have been completely left out of the negotiations with Singh Corporation. He stated that the last they heard is that this proposal would not go forth until it was approved by the Planning Commission of the City of South Lyon. He stated that now it seems like the Board is going forward with the annexation and there is not an approved plan. He questioned what would happen if the Board goes through with this annexation, and Singh backs out. This property would then be annexed to the City of South Lyon and it would not be developed.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Khanh Pham, Singh Development, briefly explained what they are proposing. He stated that at the May 12, 2003 Board meeting there were concerns raised about the residents of Woodland Drive. He stated that at that meeting it was noted that there were not enough controls put in the agreement with would safeguard any damage that could happen due to construction. He explained the controls that they have added to the agreement would deal with this. He noted that everything else in the agreement has remained the same.

Mr. Shigley stated that it was his understanding that this was not to go through Lyon Township until the City of South Lyon approved it. He asked Mr. Pham for clarification. Mr. Pham responded that the situation is that the City of South Lyon will not review a site plan until it is in the City of South Lyon. He further explained why this is here first.

Mr. Olson stated that he has spoken with former Mayor Renwick about this. He noted that the letter of credit that is being provided is good for five years. He stated that all the documents are in order and that most of the issues have been addressed by the developer.

Mr. Adams made a motion to adopt the resolution from the previous Board meeting according to the documents dated May 9, 2003 with the approval of the detachment resolution subject to the May 28, 2003 Woodland Drive agreement. (Mr. Young stated the words for the motion with the permission of Mr. Adams.) Mr. Cash supported the motion.

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

Phil Davis, 630 Woodland Drive, stated that he really can't offer opinion on this agreement because the residents of Woodland Drive really don't know what it is. He stated that if he is understanding correctly, what is being voted on tonight, is that the Township will give up this property to the City. He stated that he has attended several of the City's meetings and noted that there was some serious concerns with regard to what Singh is proposing. Mr. Shigley briefly explained what is in the agreement.

Mr. Olson went through some of the highlights of the agreement using displayed maps.

Mr. Shigley stated that he does not believe that the Township wants to give up any acreage at all.

The problem is where this property is located, it is surrounded by the City. He stated that the Township cannot provide water and sewer service to this area. He stated that every time the Township has gone up against the Boundary Commission, they have lost. The Township usually loses

more land than what was proposed. He stated that they would probably lose Woodland Drive and all the property in that area, if they were to pursue this through the Boundary Commission.

Mr. Bisio stated that they are trying to protect the residents of the Township the best they can with regard to this annexation to the City.

Kathy O'Connell, 280 Woodland Drive, stated that if the Township annexes before the City approves it and Singh pulls out, she questioned if this would open this area up for anything new. Mr. Kahn responded that whether Singh does this or not it is controlled that it will run with the land. He stated that there will be landscape screening by Forest Lane. There will be a fence at the section on Woodland Drive and there will be a stub road brought to Woodland Drive off Chester. He stated that all these things will happen whether or not Singh develops this land.

Ms. O'Connell questioned what they can do to control the traffic on Woodland Drive. She noted that people drive down their street fast now. Mr. Shigley stated that if this is a problem now, let him know and he will talk with Sgt. Crockett.

Darcy Hollon, 24300 Martindale Road, questioned what the current zoning is. Mr. Olson responded that it is R.3 in the Township and it is R1A in the City. She stated that she does not believe that the Township should let the land go. She stated that the Township does not have a good track record for annexing property from anybody else. She questioned if the Township has retained an Attorney who specializes in annexations.

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

Motion approved.

6. NEW BUSINESS

a. PUBLIC HEARING for Reprogramming CDBG Funds for Years 2001 through 2003

Mr. Doozan explained that there are no areas in the Township, according to the census, that are low and moderate income areas. Money that was previously programmed for low and moderate income areas must now be reprogrammed. He stated that they are proposing to reprogram the funds for drain improvements, Griswold Road improvements and condemnation/demolition of blighted structures. He noted that Mr. Phillips has already identified five different areas within the Township that would qualify for these funds. He stated that the \$45,563 is the total amount

that is involved in the reprogramming.

Ms. Johnson made a motion to close the regular meeting and open the public hearing. Ms. Carcone supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved. The Public Hearing was opened at 8:21 PM.

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

Ms. Johnson made a motion to close the public hearing and re-open the regular meeting. Ms. Carcone supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved. The Public Hearing was closed at 8:22 PM and the regular meeting was re-opened.

b. Resolution Approving Reprogram of CDBG Funds

Ms. Carcone made a motion to reprogram the Community Development Block Grant Funds for the year 2001 in the amount of \$16,898, for the year 2002 in the amount of \$16,378 and for the year 2003 in the amount of \$12, 287 to condemnation/demolition of blighted structures in the amount of \$45,563. Ms. Johnson supported the motion.

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

Mr. Bisio questioned why they couldn't find any drain improvements that needed to be done in the years 2001 and 2002. He noted that the Township has a lot of problems with their drains. Mr. Doozan stated that the funds could only be used in low and moderate income areas.

Mr. Adams questioned if they have the condemnation/demolition projects identified and listed. Mr. Doozan responded that Mr. Phillips has provided him with a list, which he reviewed.

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

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

Motion approved.

c. SMART Funds for FY 2003

Mr. Olson discussed a letter dated May 20, 2003 from SMART. He noted that previous

year's funds

have been allocated to the School District. He stated that he would suggest that the Township continue to allocate these funds to the School District.

Ms. Carcone stated that the Township receives the money from SMART and then cuts a check to the School District.

Mr. Young questioned what action needs to be taken by the Board. Mr. Doozan responded that they need to allocate \$5,188 in Municipal Credit Funds to the South Lyon Community School District for transportation.

Mr. Young made a motion to allocate \$5,188 in Municipal Credit Funds Program for 2003 to the South Lyon School District. 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:	Shigley, Young, Adams, Bisio, Carcone, Cash, Johnson
	Nays:	None

Motion approved.

Mr. Bisio made a motion to take a five minute break. Ms. Johnson supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved. The Board took a five minute break.

d. Conceptual Review Approval for Elkow Planning Group Planned Development

Allen Green gave a brief presentation of the proposed planned development. He noted that

there will be five neighborhoods spread out over 600 acres and two miles that will be linked together. He briefly explained some of the benefits that would come with this planned development. He stated that presently proposed are 722 units, 94 of which are duplex condominium units and the remainder are single family units. He stated that they have tried to put in a diversity of housing types and lot sizes.

Gary Shapiro, Ivanhoe-Huntley, stated that they believe that they have an exemplary plan that they can bring to Lyon Township. He felt that it is important to have a diverse product

line. He noted that there will be three different product types that they can achieve on a parcel of this size.

Mr. Doozan noted that in this development there are 205 units over the base density which represents 79.3% increase in density. He stated that with respect to the Planning Commission comments, density was the number one concern. The Planning Commission was also concerned with the size of the lots.

Mr. Young stated that he does not like 70' lots. He stated that if all the 70' lots were changed to larger lots the density, according to his calculations, would decrease by 59 lots. He stated that he would like to see all 90' lots with the exception of south of the drain, which could possibly have 85' lots. He stated that he liked the idea of parks, but would not want this to be a liability to the Township. He felt that if the developer wants to hold the land in conservatory, that would be great. He stated that he liked the idea of having a school within the development.

Paul Elkow stated that when they had a meeting with the Board and the Planning Commission the things that they spoke of being very dear to them was the woodlands and wetlands. He stated that they have really tried to protect every one of these that they could. Part of what brought the 70' lots into the equation is that there is different ownerships along there. He stated that he is trying not to put anything on a certain piece of beautiful property. He stated that in order to get some compensation for the amount of amenities that they do have, there may be some lots that would be better suited smaller in some areas.

Mr. Bisio stated that he does not like the amount of density or the lot sizes. He noted that he voiced most of his concerns at the Planning Commission meeting.

Ms. Johnson stated that she, too, does not like the 70' lots. She stated that she does like the idea of a neighborhood school. She felt that the amenities are wonderful. She stated that as a whole, she felt that the developer has done a pretty good job. She felt that down the road the Township

may need the park, but at this time she does not want to see it as a liability to the Township.

Mr. Elkow stated that they are going to hold in trust and pay for the area that they are dedicating as park land until the Township is ready to take it over.

Mr. Bisio questioned the proposed cost of the condominium units. Mr. Shapiro responded that they will be approximately \$190,000 to \$250,000.

Mr. Shigley stated that he felt that there are some unique things with this development. He stated that he does not care for the 70' lots. He noted that it looks like the backyards all open up to open space.

Ms. Carcone stated that she likes the condominiums. She stated that she would not like to see 70' lots, they are too small. She stated that she likes all the added features. She also liked the idea of the backyards opening up to open space. She stated that she likes the entrances with the lights. She also liked the idea of a neighborhood school.

Mr. Cash questioned if this development is going to hook up to the Township's water and sewer system. Mr. Elkow responded that they have three alternatives, which he explained. Mr. Cash stated that he knows that the Township's road systems need to be upgraded. He stated that he knows that it is approximately \$1,000,000 a mile to pave a road and that a boulevard is quite a bit more. He noted that two miles of paving is a plus. He stated that he does realize that one way to help pay for the paving is density. He stated that he likes the condominiums and feels that the Township needs some. He felt that the 70' lots are a little small. He liked the openness of the backyards.

Mr. Cash stated that he read that there may be a sub-committee forming. If so, he stated that he would like to volunteer. Mr. Elkow stated that if there is one put together, they would love to have Mr. Cash on it.

Mr. Elkow stated that they will address the 70' lots. He stated that he believes the biggest

problem with these would be the front entry garages as opposed to the side entry garages.

Mr. Adams stated that the Ivanhoe-Huntley is a great company and that the Township is very pleased to have them involved with this development. He stated that he would really like to know more about the school. He stated that lately they seem to be having schools in every development. He stated that it would be nice to know the overall master plan of the school system. Mr. Elkow stated that he invited Dr. Pearson and Mr. Graham to join them tonight, but there was a School Board meeting tonight. He briefly discussed the school that will be included within this development.

Mr. Adams liked the idea of the park land. He felt that sometime in the future it could possibly be a good location for a new library. He stated that he is concerned with the density. He felt that overall it looks like a good plan.

e. Conceptual Review Approval for Aspen Group Planned Development

Brandon Rogers, Professional Community Planner, gave a brief presentation of the proposed development. He reviewed some of the amenities that will happen with this development.

Mr. Doozan noted that the key issue that the Planning Commission raised was density. He stated that the parallel plan submitted by the applicant shows that 199 lots can be developed under conventional zoning. He stated that the proposal represents a 72 unit increase over the base density, which is a 38.1% increase. He summarized some of the other comments that were made by the Planning Commission.

Mr. Young stated that as long as he has been active in the Township they have always planned for the central part of the Township, which would be the Ten Mile corridor to be estate size lots. He stated that he would like to see at least 100' lots because of where this is at. He stated that the density is an issue and he would like to see it cut down. There was discussion with regard to the road paving that will be done.

Mr. Bisio stated that the key issue with him is density. He noted that he has expressed his comments at the Planning Commission meeting.

Ms. Johnson stated that density is always an issue. She stated that she does like the 100' lots and that the greenbelt is positive. She stated that she liked the possibility of Milford Road being extended.

Mr. Shigley stated that the extension of Milford Road is a positive thing. He stated that as far as the PD goes with all roads leading to and from it being paved, this needs to be looked at. He liked the idea of the 100' lots. He stated that he is not so worried about density as he is about the size of the lots.

Ms. Carcone stated that she is probably the only one that does not like this. She stated that she does not like the idea of the backyards backing up to each other without open space. She felt that this is not as aesthetically pleasing as she hoped that it would be. She did like the 100' lots.

Mr. Cash stated that he likes the park land, it is a beautiful piece of property and if it is left undeveloped, he felt that it would be a bonus to the Township. He liked the idea of extending Milford Road, which he felt should run through to Eight Mile Road. He stated that he concurs a little bit with Ms. Carcone with regard to the layout, but felt that this is restricted a lot by wetlands. He felt that the density is a little high and would like to see it knocked down a little.

Mr. Adams stated that he concurs with the comments that have been made. He liked the idea of the paved roads and the extension of Milford Road.

f. Request to rezone 19.9 acres from R-1.0, Residential-Agricultural District to B-2, Community Commercial District – Victor International Corporation

Mr. Doozan explained that there is actually a conceptual review of the Johnson Property Planned Development that goes along with this. He reviewed the comments indicated in the May 23, 2003 McKenna Associates, Inc. letter with regard to the rezoning application. He then reviewed the comments indicated in the May 23, 2003 McKenna Associates, Inc. letter

with
regard to the conceptual review.

Mr. Shigley stated that the Planning Commission has not done their conceptual review of this plan.

Mr. Doozan stated that they have not seen the plan dated May 29, 2003. Mr. Shigley noted that the procedure is that the Planning Commission sees this first and then gives comments to the Board.

Robert Carson, Attorney, briefly summarized the David Johnson's accomplishments. He stated that

they are here before the Board to get comments with regard to the proposed rezoning. He gave a

presentation with regard to the proposed rezoning for a commercial node at Ten Mile Road and

Johns Road. He stated that he would like to have the Board consider and approve the rezoning

request. He stated that he is prepared to accept approval on a smaller amount of commercial,

if the Board does not see fit to approve the 19.9 acres that is being requested. He stated that they

would be willing to take the commercial down to 14.67 acres. He felt that this would help buffer

the FAA tower, that should have never been built there.

Mr. Carson stated that with regard to the conceptual plan, he would prefer to have Mr. Johnson

give that presentation.

Mr. Johnson gave a brief presentation of the conceptual plan that they are proposing. He noted

that it was the Township that put the commercial node at this location in 1999. It was not initiated

by him. He stated that he has worked on this for the past 4-1/2 years under the assumption that

the zoning was in place.

Mr. Adams stated that he is very pleased to have Victor International as the proposed developer

of this area because of their renowned reputation. He stated that he does have a great concern

with commercial development on Ten Mile Road because of the traffic issue. He briefly discussed

the developments along Ten Mile Road as they would relate to the traffic issue. He noted that

Ten Mile Road is the flow through from all the communities to the west. He felt that they, as a

community, will be looking at a traffic nightmare along Ten Mile Road.

Mr. Cash stated that he likes the second plan with the reduced commercial and residential. He stated that this plan is nicer than the first plan. He stated that the Master Plan calls for about 20 acres of commercial in this area and with the reduction and the deed restrictions they are right about the 20 acres. He felt that the plan looks nice.

Ms. Carcone stated that she likes the plan. She stated that this would be a good spot for commercial, if they have to have it. She liked the idea that this is across the street from the school.

She noted that if a person has to drop their child off at the school for any type of function, they can go across the street and do some shopping while they wait to pick the child up. She stated that she likes the idea that this will line up with Johns Road. She stated that she is a big aesthetic person and likes the proposed entrance and the large greenbelt. She stated that she is okay with the reduction of commercial to 14.67 acres. She stated that anything that can be done to hide the FAA tower, she is for it.

Mr. Shigley stated that some of the biggest concerns he has is with the commercial. He felt that having commercial across the street from the schools, the businesses will be packed with kids from the schools. Mr. Johnson noted that they did have a public hearing and nobody objected to this idea. Mr. Carson noted that it is his understanding that the school will have a closed campus.

Ms. Johnson stated that she concurs with some of the comments made by Mr. Shigley with regard to the commercial across from the school. She felt that depending upon what is put in here, it could be an attractive nuisance and problematic. She stated that the entranceway looks wonderful and liked the second plan much better than the first.

Mr. Bisio stated that he has asked Legal Counsel a number of times if the Township is obligated to put commercial here because it is on the Future Land Use Map. He stated that Legal Counsel has responded to him that the Township is not legally obligated to put commercial here. He reviewed some of the comments made at the last Planning Commission meeting with

regard to

this issue. He discussed the idea of a grocery store going into this location. He noted that when Bob Harris came before the Planning Commission with his plan which included a grocery store, the Planning Commission did not like the idea, therefore, Mr. Harris removed the grocery store idea from his plan.

Mr. Bisio stated that living in the area and talking with the residents in the area, the residents

don't want commercial there. He stated that he has nothing against the development, but traffic is a tremendous problem. He stated that this is not the time for commercial in this area, there aren't enough rooftops to support it.

Mr. Young stated that he came prepared to state all the things that he didn't like about the first plan, which he has previously seen. He stated that the main issue that he was concerned about

looks like it has been addressed. He noted that he was on the Planning Commission when they put the commercial node on the Future Land Use Map for this area. He stated that at that time the vision was that when the rooftops come, some developer would come and develop it in accordance with the Master Plan. He stated that he was worried that once commercial got started along Ten Mile Road that it would just keep going. He noted that with that by putting the commercial and residential there is a boulevard entrance which will buffer the commercial from extending further.

Mr. Young stated that he heard the comments of the Planning Commissioners which indicated

that they did not want to see that much commercial in this area. He stated that the original plan was for 20 acres, and now the new plan is for 14.67 acres of commercial. He felt that this goes a long way in satisfying the complaints that were voiced with regard to having 20 acres. He briefly discussed the increased traffic that will be generated.

If this were all approved as a planned development, Mr. Young questioned when the commercial would be developed. Mr. Johnson responded that it would probably be five years. He explained

his reasoning for the five years.

Mr. Young stated that he is going to be very hard pressed not to agree with a reasonable rezoning when it is already on the Township's Master Plan.

Mr. Johnson stated that they would like to ask that the Board make a motion to approve the rezoning.

Mr. Young made a motion to rezone 14.67 acres with the understanding that this is going to be part of the planned development. Mr. Cash supported the motion.

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

Ms. Carcone stated that she feels that this should really go back to the Planning Commission and that the proper procedure should be followed. Ms. Johnson concurred.

Mr. Young felt that the reasoning for the rezoning here is so that the developer can continue on with the planned development knowing that they have 14.67 acres of commercial that will be incorporated into the development.

Mr. Cash stated that it was the Planning Commission that Master Planned this commercial in the first place. He stated that had they not done this, he would not even consider commercial in this area. He stated that he does not want to violate the Master Plan, because they have been in enough trouble with violations to the Master Plan.

Mr. Adams stated that he would like to get Legal Counsel's position if in fact proposed means definite as to what this area is to be used for. He stated that he would like to get that definition.

Mr. Seymour questioned if Mr. Adams is talking with respect to the Master Plan. Mr. Adams responded that this is correct. Mr. Seymour stated that as Mr. Bisio has stated earlier in the meeting, that proposed is exactly that. It is a guide for how the property is supposed to be developed in the future. It does not mean that it has to be done right now.

There was brief discussion as to how the plan development could be tied to the rezoning.

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

somebody to explain what is going on to Mr. Rickard and maybe answer some of his concerns.

Mr. Olson stated that what is going on is that Mr. Harris is preparing ground for rapid discharge beds in accordance with Discharge Permits filed with the DEQ several years ago. He stated that what Mr. Harris does not have is an ACT41 Permit allowing construction of these items. He also does not have a Grading Permit from the Township.

Mr. Kniga stated that the Township Engineer did not prepare the drawings, it was Mr. Harris' Engineers. He stated that the plans are available through Mr. Harris' Engineers. Mr. Young asked Mr. Kniga to call Mark Sweatmen to get the hydro-geological study.

Mr. Shigley asked Mr. Rickard if he is available during the day so that they can sit down together and try to come up with the information. Mr. Rickard responded that he would be available. There was brief discussion about getting together tomorrow afternoon.

Ray Cusineau stated that he did have the opportunity to talk to Bob Harris and his Attorney. He stated that they take issue with the fact that they are not properly permitted according to Mr. Harris and his Attorney. He stated that they do have a DEQ permit in hand. This permit was acquired in 1999 to construct a rapid discharge bed in this area. He stated that with regard to the ACT 41 Permit, they have been told by the DEQ that this permit may be issued after the construction is done as and after the fact permit. He stated that they are attempting to resolve this issue with the DEQ because the owner feels that this permit should probably be acquired before construction starts. He noted that a Grading Permit has not been issued by the Township, it has been applied for and has been refused by the Township Engineers. He noted that this permit is approval subject to some minor revisions. He stated that it is his understanding that the Township is not prepared to issue the permit until the DEQ permit has been resolved.

Mr. Cusineau stated that Mr. Harris believes that the Township should issue the permit. Under the permit the Township only has the authority to review the grading and drainage of this particular earthwork operation. They don't have any authority to get involved in any pollution issues

or any

other issues with respect to the discharge beds, this is under the jurisdiction of the DEQ.

Mr. Cusineau stated that they would be meeting with Chris and staff on Wednesday to go over

this issue as well as several others. He stated that he would like to see them have the opportunity

to meet with staff and then bring this issue back to the Township Board. At that time they can

have their experts explain everything to the Township as well as to Mr. Rickard. He felt that if a

meeting was set up tomorrow afternoon before their meeting with the Township, it would be

premature. He stated that they would like to have their meeting on Wednesday first and then they could schedule a meeting with the Rickard's as soon as possible after that.

Mr. Olson questioned that in the meantime, what will happen with the grading work. Mr. Cusineau

responded that Bob Harris will not stop the grading work because he believes that he is within his authority. He stated that Mr. Harris is going ahead with this work at his own risk. He stated that Mr. Harris fully understands that if the DEQ fails to approve this work or issue the appropriate permits before the fact or after the fact, Mr. Harris may have to completely restore this area and select a new location. He stated that based on Mr. Harris' Attorney, Mr. Harris believes that he is well within his right to continue his operation.

After further discussion, it was determined that Mr. Shigley would meet tomorrow with Mr. Rickard to educate him on what is going on.

Mr. Phillips stated that he has asked the Township Attorney's office to begin preparing warrants for prosecution. He stated that he has asked Mr. Harris several times to stop, but Mr. Harris has not complied.

Mr. Adams felt that they should get all the parties together before they take action with the warrants.

Mr. Shigley asked if the Board wanted to take action on this. Mr. Young stated that base on the meeting on Wednesday, there needs to be some type of action taken after that. He stated that the Board will need some feedback from that meeting.

Executive Session Regarding Pending Litigation

It was determined that the Board will go into an Executive Session and then return to complete

some of the items still open on the agenda. Mr. Bisio noted that he has to leave.

Mr. Young made a motion to close the regular meeting and go into an Executive Session to discuss

pending litigation. Mr. Shigley supported the motion.

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

Motion approved. The regular meeting was closed at 11:14 PM.

Mr. Seymour discussed pending litigation.

Ms. Carcone made a motion to adjourn the Executive Session and re-open the regular meeting.

Mr. Young supported the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved. The Executive Session was adjourned at 11:37 PM.

g. Proposed Purchase of Podium

Mr. Adams made a motion to approve the purchase of a podium in the amount of \$450.00 for the Township. Mr. Young supported the motion.

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

Motion approved.

h. Consideration of DDA Membership - Removal

This issue was held over until the next meeting.

i. Roundabout Study – Use of Tri-Party Funds

This issue was held over until the next meeting.

j. South Lyon Recreation Council Funds for 2003

The Recreation Council Funds for 2003 were approved (Proposal B of Chris Olson's recommendation letter) in the amount of \$15,090.

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

Motion approved.

7. Adjournment

Mr. Young made a motion to adjourn the meeting. Mr. Shigley supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None
	Absent:	Bisio

Motion approved. The regular meeting was adjourned at 11:43 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary

Pamela Johnson
Clerk