

**CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES
MEETING MINUTES
July 7, 2003**

Approved as submitted August 4, 2003.

DATE: July 7, 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
Ray Bisio, Trustee
Daniel Cash, Trustee
Steven Adams, Trustee

Absent: Lannie Young, Trustee

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

Guests: 40

1. APPROVAL OF THE CONSENT AGENDA

- Approval of Regular Meeting Minutes of June 2, 2003
- Approval of Disbursements
- Approval of Financial Statements through May, 2003
- Audit Report for Year 2002/Approval of Deficit Elimination Plan
- Superintendent Report
- Engineer Monthly Report
- Building Department Monthly Report
- Fire Department Monthly Report
- Sheriff Department Report
- Zoning Officer Report
- Earth Tech – WWTP Operating Report

Mr. Adams requested that the Audit Deficit Report be removed from the Consent Agenda

for discussion.

Ms. Johnson made a motion to approve the consent agenda with the removal of the Deficit Reduction Plan and the Audit Report. Ms. Carcone supported the motion.

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

Motion approved.

2. CALL TO THE PUBLIC ON NON-AGENDA ITEMS

Bill Altgilbers, Continental Aluminum, re-iterated comments that he has made at prior meetings.

He briefly discussed the monitoring that they are doing on the bag house stacks. He noted that chlorine has been removed completely from the facility. He stated that on most week-ends they are closing down the bag house, but there are times that they do have to do alloy reverse.

Mr. Altgilbers stated that the noise monitoring is ongoing and that he does not have a lot of data back from the engineers as of yet. He corrected a false statement that was made at the June meeting with regard to the testing that was done at Dolson Elementary School. He submitted a copy of the results of these tests to the Board.

Todd Krueger, Director of Lyon Township Library, updated the Board as to what is happening at the Library.

Darcy Hollon, 24300 Martindale Road, commented on the air sampling that was done at Dolson Elementary School. She stated that she is basing her information on one report that was FOIA'd from the Board of Education. If there is other information, she is not aware of, she would like to be made aware of this.

Robin Allen, 28550 Tindale Trail, questioned if the procedure for answering resident's questions was in writing yet. If so, he requested a copy of the procedure. With regard to the open doors at Continental, he questioned what "held in abeyance" means. Mr. Quinn responded that this term

Terri Dunn, Misty Ridge, questioned where the water that is being treated is coming from. Mr. Shigley explained where the water is coming from.

Roger Cash, 54505 Eleven Mile Road, discussed the level of his pond. He questioned how long this project will last. How long will the water table be down? He noted that they have already dropped their irrigation pump down three feet. He submitted some questions that he would like to have answered to the Board.

Darcy Hollon, 24300 Martindale Road, questioned why this could not be discharged to a wetland. She noted that the City discharges to streams.

Shirley Baker, 27239 Stancrest, questioned what would happen, if while they are pumping, and a well goes dry. She noted that she is not too far from this location.

Mark Sweatman took notes of the questions that were asked by the residents and answered them.

Mr. Adams thanked Mr. Sweatman and Mr. Warner for the information they provided this evening. He hoped that it answered a lot of the questions of the residents.

b. Consideration of DDA Membership – Removal

Mr. Olson noted that this issue was tabled from the prior Board meeting. He stated that a notice was sent out to a member of the DDA who has not attended any of the meetings since being appointed. He stated that they did not receive any type of response from this person. The letter was sent out both certified and first class. He stated that it is his assumption that this person is not interested in serving on the DDA. He briefly discussed the other appointments that are beyond the ending date.

Ms. Carcone made a motion to remove Mike Schmitt from the DDA. Ms. Johnson supported the motion.

Mr. Shigley asked if there is any questions or comments regarding the motion from the Board.

Mr. Bisio stated that he has spoken with Mike Schmitt who indicated that he is very upset. He stated that Mr. Schmitt indicated to him that he was going to write the Board a letter. He stated that he would like to have Mr. Shigley or Mr. Olson contact Mr. Schmitt personally.

Ms. Carcone withdrew her motion so that Mr. Shigley could contact Mr. Schmitt. Ms. Johnson also withdrew her support of the motion. Mr. Shigley stated that he will contact Mr. Schmitt and then report back to the Board.

Ms. Carcone made a motion to table this issue until the next meeting. Ms. Johnson supported the motion.

Mr. Shigley asked if there was any discussion on the motion from the Board. There was none. He then asked if there was any discussion on the motion from the public. There was none.

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

Motion approved.

c. Roundabout Study – Use of Tri-Party Funds

Mr. Olson gave a brief introduction and then turned it over to Mr. Doozan for more information. He reviewed the information in his memo to the Board dated May 28, 2003.

Mr. Doozan stated that the firm that they are looking at to do the study was recommended by the Road Commission. He briefly discussed the firm's, DLZ, qualifications. He stated that he felt that a roundabout at the intersection of Grand River, Pontiac Trail and Milford would be a good solution for the traffic problems.

Mr. Shigley stated that he has been talking about this intersection for years and is definitely in favor of doing something with it to make it safer.

Mr. Bisio stated that the DDA is going to pick up the Township's portion of the Tri-Party Funds for this study. Mr. Doozan responded that this is correct. Mr. Bisio questioned what the next step would be after the study is done. Mr. Doozan explained what the next steps would be.

There was discussion with regard to the funding. Mr. Doozan stated that if they wanted to get started right away, the Township could loan the DDA the funds to begin this and then the

DDA

would pay the Township back when their funds are available.

Mr. Shigley questioned what action is required by the Board. Mr. Doozan responded that approval of the allocation of the Tri-Party amount. He stated that if the Board wanted to, they would need to make a motion to advance the DDA the funds.

Mr. Bisio stated that the DDA does not have the money now. Mr. Doozan stated that the DDA has to amend the plan. He stated that they have the money but the plan needs to be amended first before they can spend the money.

Ms. Carcone made a motion to have the Township Board pay the portion of \$7,834 as a loan to the DDA for a roundabout study. Mr. Bisio 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.

Darcy Hollon, 24300 Martindale Road, stated that she is concerned about roundabouts, especially with young drivers. She questioned if there would still be traffic signals and if the center is going to be built up. She stated that she would like to request that the DDA send a plan to the Board to review before actually committing money to this.

Mr. Quinn stated that the last time they did something like this, the Board put a time period on the loan. He questioned if a 90 day payback would be okay or would a six month be better. Mr. Doozan responded that he felt that six months would be more reasonable. Mr. Quinn noted that they should add an interest rate to this also.

Ms. Carcone amended her motion to include a "six month payback with the current bank interest rate". Mr. Bisio supported the amendment to the motion.

James Huffman, 58560 Grand River, stated that they seem to be putting in a lot of effort putting in a roundabout when the ring road is not completed. He stated that there is less than a 1/4 mile to go on the ring road. He felt that the ring road needs to be completed.

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

Motion approved.

6. NEW BUSINESS

a. Special Land Use Request for Rainbow Recreation – Outside Display Area located in B-2 District, south east corner of Grand River and Haas Road.

Mr. Doozan reviewed the comments indicated in the June 23, 2003 McKenna Associates, Inc. letter.

Dave Byrum, owner, stated that they are cleaning up the site. He stated that there are some things that were left at the site by the previous owner that will be moved to a new site. He stated that they are ready to break ground as soon as they get the approval. The clean-up of the site is ongoing. He noted that they lawn has been cut.

Mr. Shigley asked where Rainbow Recreation is moving from. Mr. Byrum responded that they are moving from Northville, where they have been for the past eight years.

John Sarkesian, Architect, displayed a color rendering of the proposed building. He described the materials that will be used for construction of the building.

Mr. Adams made a motion to approve the special land use for Rainbow Recreation subject to the conditions cited in the June 23, 2003 McKenna Associates, Inc. letter. Ms. Johnson 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. There were none.

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

b. Approval Request – Private Road, Coyote Court, Section 10 – Wil-Pro Development Company

Mr. Doozan reviewed the comments indicated in the June 10, 2003 McKenna Associates, Inc. letter. He also displayed an overhead showing the location of the private road.

Mr. Shigley questioned if the property owners along Lee Road have been contacted. Marshall Blau, Wil-Pro Development, responded that they have talked to the residents along Lee Road. He stated that he felt that Mr. Doozan has done a thorough job of summarizing everything.

Mr. Blau stated that in Lyon Township once the road is completed and inspected they would be allowed to get building permits to begin constructing homes. He stated that they would like to post a cash deposit with the Township to guarantee that the road will be constructed. The cash deposit amount can be determined by the Board as to what they feel is appropriate. By doing this, it would guarantee that the road is completed and then they could begin sooner on building the homes. He noted that they have done this in numerous other communities. He stated that he has spoken with Chris Doozan and Larry Phillips and neither of them were opposed to doing this.

Mr. Cash stated that his main concern with doing something like this would be for emergency vehicles. Mr. Quinn noted that they could have a hold harmless agreement with the property owner. He stated that if there is a fire during construction and the emergency vehicles could not get there, then the Township would not be held responsible. Mr. Blau stated that he is not opposed to this. He stated that emergency vehicles could get in there today, if they needed to.

Mr. Cash made a motion to approve Coyote Court. Mr. Adams 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. There were none.

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

Motion approved.

Mr. Quinn stated that the second issue is a motion giving direction to the Building Department to authorize the issuance of building permits for these seven parcels. He stated that this would be subject to a cash bond determined by the Township Engineer for the construction of Coyote Court and subject to a hold harmless agreement being provided by the applicant to the Township and subject to the Township Attorney's approval.

Ms. Carcone made a motion to direct the Building Department to issue building permits for the seven parcels on Coyote Court subject to the following:

- A cash bond being posted in an amount determined by the Township Engineer for construction of Coyote Court;
- A hold harmless agreement is provided by the applicant to the Township;
- The hold harmless agreement is approved by the Township Attorney.

Mr. Cash supported the motion.

Mr. Shigley asked if there is any comment regarding the motion from the Board.

Mr. Adams asked Mr. Phillips if the Building Department would have a problem doing this. Mr. Phillips responded that they would not.

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

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

Motion approved.

c. Extension of Misty Ridge, Private Road, Section 2 – Mike & Terri Dunn

Mr. Doozan reviewed the comments indicated in the June 10, 2003 McKenna Associates, Inc. letter.

Mr. Adams questioned if all the property owners have been contacted. Mr. Doozan responded that they have and that they have signed the Private Road Easement Agreement.

Mr. Adams made a motion to approve AP-03-12, Misty Ridge Extension, subject to review and final approval by the Township Attorney. 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. There were none.

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

Motion approved.

d. Community Development Block Grant contract with HAVEN and Lyon Township for 2003-2004 Program Year.

Mr. Adams questioned if the citizens of the Township used the services provided by HAVEN. Ms. Carcone responded that they do. She stated that HAVEN provides them with a presentation and report once a year.

Ms. Carcone made a motion to approve the contract agreement between HAVEN and the Charter Township of Lyon for the year 2003/2004 in the amount of \$1,100.00. Ms. Johnson 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. There were none.

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

Motion approved.

e. Emergency Response Vehicle Inter-local Agreement

Mr. Shigley stated that he reviewed this and it looks like a pretty nice agreement.

Mr. Quinn noted that this does require a resolution and asked the Board to put any motion made into this format.

Mr. Cash made a motion by resolution to enter into an Inter-local Agreement with Oakland County and the Charter Township of Lyon for the purpose of Emergency Response Vehicles.

Mr. Adams 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. There were none.

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

Motion approved.

The Board took a five minute break.

g. Agreement between the Charter Township of Lyon and the Kojaian Companies relating to Assignment of Sewer System Capital Charges

Mr. Olson reviewed the comments indicated in his memo dated July 2, 2003.

Mr. Quinn stated that the agreement is fine and is in the proper order for the Board's approval.

Mr. Cash questioned how this will impact other potential restaurants. Mr. Olson stated that this will be covered in the second part of the discussion tonight, the agreement with Park Place.

There was brief discussion with regard to the survey that they are proposing to do. There

was

discussion as to where the funding for the survey would come from. Mr. Olson noted that it the funding would come from the sewer fund.

Mr. Bisio made a motion to approve the agreement as provided between the Charter Township of Lyon and Milford Road East Development Associates, LLC/Kojaian Ventures, LLC/Kojaian Ventures MM, Inc., relating to assignment of sewer system capital charges. Ms. Carcone 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. There were none.

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

Motion approved.

f. Agreement Between the Charter Township of Lyon and Park Place Environmental, Inc. relating to the Assignment of Sewer System Capital Charges

Mr. Quinn stated that this agreement incorporates the Kojaian agreement which was just adopted. It states that Park Place is also in agreement with the Kojaian agreement. He stated that it also sets the requirements.

Mr. Bisio made a motion to approve the agreement as written by Legal Counsel, the updated version between the Charter Township of Lyon and Park Place Environmental relating to the assignment of sewer system capital charges. Ms. Carcone 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 Atkison, Attorney for Park Place, briefly explained what this agreement will encompass.

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

Motion approved.

h. Superintendent Olson – Request for Special Meetings

Mr. Olson explained that before the Board is a calendar for special meetings and also Item i on

the agenda is a request for a special meeting from Curtis Building for a special meeting to discuss developments. There is also a request from Beztak for a special meeting to look at expedited hearings on the Martindale/Pontiac Trail SAD for Sanitary Sewer. He stated that the schedule is laid out in a schedule developed by Mr. Doozan. He stated that the Board needs to look at scheduling a special meeting on July 21 and August 11.

Mr. Adams made a motion to schedule a special meeting on July 21 and August 11 to begin at 6:00 PM as outlined in Mr. Olson's memorandum. Ms. Carcone 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. There were none.

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

Motion approved.

i. Request for Special Meeting in July from Curtis-A&M Northville, LLC for Final Site Plan approval for Northridge/Kirkway Estates Planned Development

There was no action taken on this issue. It was noted that the revised plans have not been received yet.

7. Items Removed from Consent Agenda for Action or Discussion

a. 2002 Audit Report and Deficit Elimination Plan

Mr. Olson explained the 2002 Audit Report and Deficit Elimination Plan.

Ms. Carcone made a motion to approve the Audit Report for the 2002 and Deficit Elimination Plan.

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. There were none.

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

Motion approved.

8. Added Items

a. West Nile Spraying

Mr. Adams asked Mr. Olson to inform the residents as to what the plan is for the Township for West Nile Virus. Mr. Olson explained the options.

Jim Hamilton, 24200 Martindale Road, stated that his neighbor to the south has problems with a ditch that has been dug by Oakland County with the fact that there is always standing water.

b. Darcy Hollon

Ms. Hollon discussed a technical question she had with regard to annexation of property. There was brief discussion with regard to property detachment and annexation.

9. Executive Session regarding Pending Litigation

Ms. Carcone made a motion to close the regular meeting and go into an Executive Session to discuss pending litigation. Mr. Adams supported the motion.

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

Motion approved. The regular meeting closed at 10:04

Mr. Quinn updated the Board on the status of pending litigation.

Mr. Adams made a motion to close the Executive Session and reopen the regular meeting. Ms. Johnson supported the motion.

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

Motion approved. The regular meeting reopened at 10:57 PM.

10. Adjournment

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

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

Motion approved. The regular meeting was adjourned at 10:58 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary

Pamela Johnson
Clerk