

**CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES
MEETING MINUTES
October 6, 2003**

Approved as submitted November 3, 2003.

DATE: October 6, 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
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: 61

1. APPROVAL OF THE CONSENT AGENDA

- Approval of Regular Meeting Minutes of September 8, 2003
- Approval of Disbursements
- Approval of Financial Statements through August, 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

Jeff Potter, Oakland County Commissioner, announced that the County has passed their budget.

He briefly discussed some of changes in the budget. Mr. Shigley questioned if the budget cuts

would have any affect on the services that the Township receives from the County. Mr. Potter responded that it would not.

Ms. Carcone questioned what type of fund balance does the County have. Mr. Potter responded

that he is not prepared to answer this question but would give Ms. Carcone a call this week to discuss this.

Mr. Bisio stated that they really appreciate the updates that Mr. Potter brings to them each month.

Deanna Cunningham, 30544 Golden Valley, stated that she lives on the backside of a development that is going on between Milford and Grand River across from the Wal-Mart development. She noted that they are getting an a lot of road noise as well as shining lights. She noted that last year a privacy barrier was discussed and questioned if it would be possible to get this barrier put up.

Darcy Hollon, 24300 Martindale Road, stated that she appreciates the fact that the Township took care of the sidewalks along Martindale Road in front of Carriage Club. She questioned if anything has occurred with regard to the sump pump water that is being pumped out onto the streets. She stated that some of the residents have expressed concern with this especially during the winter because it turns to ice.

3. APPROVAL OF AGENDA

Mr. Olson requested that the following be added to the agenda:
- Drain Contribution

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

Voice Vote: Ayes: All
 Nays: None

Motion approved.

4. ANNOUNCEMENTS AND COMMUNICATIONS

Ms. Carcone welcomed Mr. Adams back after having quadruple by-pass surgery.

5. UNFINISHED BUSINESS

a. Woodwind Planned Development – Approval of Final Development Plan

Mr. Doozan reviewed the comments indicated in the October 6, 2003 McKenna Associates, Inc. letter regarding this issue.

Ray Cusineau, Woodwind Development, stated that they have reviewed Mr. Doozan's letter and that they have no problem complying with any of the conditions cited in the letter.

Mr. Bisio questioned if there is a mechanism in place for the trees along Ten Mile Road if they were to die. Mr. Cusineau responded that the contractor usually provides a one year warranty on all plantings. After that one year period the developer will be responsible for the replacement until the association takes over.

Mr. Young discussed condition 1 in the McKenna letter. He questioned if part of this would fall under the Condominium Act and part of it under the Plan Act. Mr. Doozan responded that they have a choice in a residential area to go either way.

Ms. Carcone stated that she needs the splits for Woodwind so that she can complete the Special Assessment District within a week so that they can be rolled onto the tax bills.

Mr. Adams made a motion to approve AP-00-32, Woodwind Planned Development, final plan review subject to the conditions outlined in the McKenna Associates, Inc. letter dated October 6, 2003. 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. There were none.

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

Motion approved.

1. Resolution on Tara Drive

Mr. Quinn stated that this is the proposed resolution concerning ingress and egress to Tara Drive. As part of the Woodwind requirements, they are required to have access from Tara Drive for emergency vehicles. He stated that this resolution provides for only emergency access from Tara Drive. He stated that this resolution is in proper form for the Board's consideration this evening.

Mr. Young made a motion to adopt the resolution that establishes emergency ingress and egress via Tara Drive for Woodwind Planned Development as stated on the form provided. 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. There were none.

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

Motion approved.

b. Revisions to Engineering Design Standards – Second Reading and Proposed Adoption

Mr. Crandell stated that there has been one change to Section 5.1 since the Board last reviewed the design standards. He briefly explained the change was made.

Mr. Bisio made a motion to consider this the second reading and adoption of the revisions to the Engineering Design Standards with the changes to Section 5.1 that were submitted this evening. 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: Johnson, Shigley, Young, Adams, Bisio, Carcone, Cash
 Nays: None

Motion approved.

c. Cost Participation for Right-of-Way – Griswold Road from Nine Mile to Ten Mile

Mr. Olson was out of the room – the Board decided to go onto the next item and then come back to this item.

6. NEW BUSINESS

a. Erwin Orchards Planned Development Conceptual Review

Mr. Doozan reviewed the comments indicated in the September 29, 2003 McKenna

Associates,
Inc. letter regarding this issue.

Larry Wilkinson, Beztak Company, gave a brief introduction to the development. He noted that the following members of their team are present to answer any questions that might come up:

- Kamran Qadeer, Beztak Company
- Bob Leighton, Robert Leighton Associates
- Paul Slavin, Traffic Engineer
- Greg Tykowski, JPRR Architects
- Joan Primo, Strategic Edge

Mr. Leighton gave a brief presentation of the proposed development using a Power Point presentation. He briefly discussed the history of the plan.

Mr. Qadeer reviewed the benefits and the cost of the proposed plan.

Mr. Tykowski reviewed the commercial portion of the proposed development. He displayed color renderings of designs they are considering.

Ms. Primo briefly discussed the marketing study that her company did with regard to the commercial portion of the proposed development.

Mr. Shigley stated that at this time he would like to get public comments regarding this issue then turn it over to the Board for their comments.

Mitchell Zalewski, 62041 Tayberry Circle, stated that he lives on the back side of this proposed development. He stated that he lives on two acres of land and all his surrounding neighbors have 1.5 acres. He noted that he has been to all the Planning Commission meetings when this issue was discussed. One of the main issues that has been brought up over and over again is density. He stated that he read an article in the Wall Street Journal last week that indicated that all franchisees are being urged to open stores where a Wal-Mart is, because Wal-Mart attracts people. He briefly discussed some of the comments indicated during the marketing study portion of the presentation. He stated that he feels that the people who live in Milford are going to shop in Milford, the people who live in Brighton are going to shop in Brighton, etc. They are not going to travel to this location to shop.

Mr. Zalewski stated that he was a little insulted by a comment made by Beztak, that people in the surrounding area take care of their property any old way. He stated that the area he lives in is very well maintained.

Mr. Zalewski stated that about a month ago there was discussion with regard to a development at Ten Mile and Martindale Roads. He noted that the big issue then was with density, but the Township was backed up against a wall. He stated that now is the Board's big chance to step up to the plate and stick to the Master Plan. He stated that there is no annexation threat here. This is just a developer who wants to make this area the next Farmington Hills or Novi. He noted that he moved from Farmington where he had a 66' x 100' lot because he didn't like it and would not like to see it here.

Darcy Hollon, 24300 Martindale Road, stated that she would like to start out on a positive note. She stated that she usually doesn't give developers any credit, but found these developers to be less abrasive than most. She noted that the developer gave a very nice presentation. There are a lot of issues that need to be discussed. She stated that the developer knew what this property was zoned in the Master Plan before beginning this process and felt that the Township doesn't owe them anything. She stated that according to their web site, Beztak builds gated communities. Lyon Township is built on rural character and gated communities would not be consistent with the rural character.

Ms. Hollon stated that the primary justification for the requested 106% density bonus is for the road re-routing. She noted that this has never been something planned or sought for by the Township. She felt that they need to really look at this hard. The benefits planned for this development are 100% for this development. She stated that this development will probably not be accepted by the residents.

Ms. Hollon briefly discussed the arsenic re-mediation on the property. She noted that this is not a public benefit.

Ms. Hollon asked Mr. Quinn if he has a conflict of interest with this issue. Mr. Quinn responded that at one point in time he did one rezoning for Beztak many years ago. He stated that right now

there
 is nothing in front of them. Ms. Hollon asked Mr. Quinn if he has represented Beztak in the past. Mr. Quinn responded that he did on one rezoning.

Bob Seccombe, 56888 Nine Mile Road, stated that he is flabbergasted that a developer would come into this Township and request 106% density bonus. He noted that the reason he is here tonight is for another agenda item, which he briefly discussed. He stated that many of the benefits that were discussed are required because of the higher density. Without the higher density the benefits would not be required. He noted that the re-mediation of the property is the land owner's responsibility not the Township's.

Mr. Seccombe stated that when they developed the Master Plan for the Township they took in the total commercial capability and what it would support by way of taxes for the Township. He stated that everytime they violate this the tax base is put over onto the residents of the Township and this is something that they should not do. He stated that the residents will take the same action that they have just taken if this development goes through.

Chris Roberts, 56645 McKenzi Lane, stated that he feels that it has really gotten out of control that developers come into the Township looking for exorbitant density increases. He stated that it is his understanding that the highest density that the Township has ever awarded is 8%. He stated that commercial has no business in this location. He felt that a gateway to a rural community should be a cornfield, not commercial.

Mr. Shigley stated that since there are no more public comments, he would like to hear comments from the Board at this time.

Mr. Young stated that density is always an issue. He stated that as Administrators or Planners they can't divorce themselves from what they see or envision. He stated that they know that there is going to be growth and development in the future. He stated that one of the things that he is challenged with is they have talked about providing another entryway into the Township for at

least eight years. He stated that the problem always is who is going to pay for this. He noted that the County is not going to do this. In order to have an entryway into the Township they have to do this through the planning and the cooperation of the developers and the Township in some fashion.

Mr. Young stated that he believed that the positive things about this development is the roundabout, notwithstanding the issues about density at this point. He felt that this is a positive thing to be able to get rid of the two T-intersections and keep the traffic flowing.

Mr. Young stated that he does not know how this will settle out in terms of density, but if they look at the amenities that the developer displayed, he does not agree with some of them as being a benefit to the community. He stated that the \$2,000,000 for the sewers is a developer benefit and not a community benefit. He stated that it would be arguable that there are about \$3,000,000 or \$4,000,000 worth of things that were displayed that the developer would not have to do.

Mr. Young stated that he has some issues with the layout. He stated that he likes the entryway. He stated that he doesn't like the idea of having a separate commercial. He felt that there are some positive aspects of this development and felt that they need work more with the developer.

Mr. Bisio stated that he has gone through this numerous times since he is the Board's liaison to the Planning Commission. He stated that Mr. Young hit the nail on the head when he spoke about the benefits versus cost. He stated that he does not feel that there is a need for commercial at this location. He felt that the density is too high. He stated that they have wasted a lot of time because of how far apart the developer and the Township are. He stated that he likes the layout, but density is still an issue.

Ms. Johnson stated that she has somewhat similar feelings as Mr. Young. She stated that she does feel that the plan does have some good aspects to it. She likes the roundabout but the density is a big issue. She stated that with regard to the commercial, the Township has big hopes for the new development at Milford Road. She felt that it would depend on what goes in there and

how it is developed. She stated that neighborhood commercial is different than what they would like to see here. She does not believe that it would warrant that much acreage or possibly any at all. She stated that there is a lot of density in the multiple units. She stated that she doesn't mind the layout, but likes 100' lot sizes. She stated that the fact of the matter is with a density of this type, the Fire Department, Police Department and the Township offices will be taxed and there will be many complaints for years to come.

Mr. Shigley stated that he likes the design and likes the road improvements. He stated that he supports the Master Plan which indicates that this area should be one acre lots. As far as commercial, he stated that there are other areas in the Township for this.

Ms. Carcone stated that it is insulting to her and to the community for this developer to come in with the small lot sizes. She stated that the Township has a Master Plan and felt that it should be followed. The Master Plan does not show commercial in this area. She stated that she does not like the commercial here. She stated that she would like to uphold the Master Plan to the best of their ability. She would like to see this area stay in its rural characteristics. She stated that she would like to see some condominiums because the Township needs these. She stated that the 90' to 100' lots and the 106% density increase is something that she could not support.

Ms. Carcone asked Mr. Doozan what is the highest density bonus that the Township has given.

Mr. Doozan responded that he believed it is 12 or 13%.

Ms. Carcone stated that she is very much for the roundabout. She felt that it is a great opportunity for the Township to capitalize. She stated that with regard to the plan, she does not like the idea of yards backing up to each other.

Ms. Carcone stated that with regard to the survey on the grocery stores, they are expecting the Wal-Mart to be a Super Wal-Mart. She stated that from all indications that she has seen or heard and from Wal-Mart, themselves, they would like to expand the current store to include a grocery store. She briefly discussed some of the other grocery stores in the area.

Ms. Carcone stated that she has been at all the Planning Commission meetings regarding this and has not seen the plan change. She stated that unless she missed something big, she felt that this is the same plan that she has seen at the last several Planning Commission meetings. She stated that she knows that the Planning Commission has asked several times for the developer to change the plan.

Mr. Cash stated that he likes the roundabout. He felt that they could work with that to make it work. He felt that the Township needs owner condominiums and felt that the Planning Commission should look at that and decide where they want those. He stated that the density is too high. He stated that the commercial is pre-mature. He stated that he would like to see what happens at the Milford Road/I-96 development with regard to the need for more commercial.

Mr. Adams stated that Beztak is a very good company and is very pleased to have them come in and offer the community something. He stated that they don't have to accept this. He stated that this Board is not threatened by people who come in and offer something. He stated that they are willing to work with the developers. He stated that he felt that the roundabout would be the answer to the traffic problem. He felt that this area is a tragedy waiting to happen. He stated that with regard to the 106% density bonus, they absolutely do not want this. He stated that they would like Beztak to go back to the drawing board and come back with another offer.

Since this was a conceptual review, there was no formal action taken tonight.

Mr. Bisio made a motion to take a five minute recess. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The Board took a five minute recess.

**(UNFINISHED c. Cost Participation for Right-of-Way – Griswold Road from Nine Mile to Ten
BUSINESS) Mile**

Mr. Olson explained that there is an additional expense in picking up the amount on right-

of-way

work under the Griswold Road plan. He stated that he has provided the Board members with a copy of some e-mails that he has had with the Road Commission. He stated that what they are looking at is an additional amount of \$3,184.00 to \$121,000 that they have obligated to the Tri-Party program. Of this amount, the Township's portion is \$60,000. He stated that they are looking at about \$64,000 of Township expense. He noted that this would be matched by the County Board of Commissioners and the Road Commission.

Mr. Olson stated that he would recommend that the Board approve this as expenses toward the program. He noted that the cost is larger than expected.

Ms. Carcone questioned what the Township's share would be. Mr. Olson responded that is the \$3,184. He stated that the County Board of Commissioners and the County Road Commission will both match this amount. The final page, page 4, of the Tri-Party there is a total of \$9,552 with the out of pocket being \$3,184.

Mr. Young asked Mr. Olson if he is looking for approval of \$3,184. Mr. Olson responded that they would need to approve the entire Tri-Party, which is \$9,552.

Ms. Carcone made a motion to approve the Cost Participation Agreement Right-of-Way for Griswold Road, Nine Mile Road to Ten Mile Road, in the amount of \$9,552, which is the Tri-Party funding. Mr. Young 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.

Jeff Potter, Oakland County Commissioner, commended the Board for their participation in this project.

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

Motion approved.

b. Extension of Private Road – Rose Lane, Section 18

Mr. Doozan reviewed the comments indicated in the October 1, 2003 McKenna Associates, Inc.

letter regarding this issue.

Mr. Adams made a motion to approve AP-03-29, Rose Lane Extension, subject to the conditions

noted in the October 1, 2003 McKenna Associates, Inc. letter. 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: Young, Adams, Bisio, Carcone, Cash, Johnson, Shigley
 Nays: None

Motion approved.

c. Referendum Petitions Certification Letter – Clerk Johnson – Setting Election Date

Mr. Shigley stated that they have received a letter from the Attorney representing the land owner and also Phoenix Group. The letter indicates that they are withdrawing their petition. He stated that he did not feel that the Board should take action on this letter until the next meeting. He felt that they should set the election date tonight but ask the Clerk not to forward the information to the County until they act on the letter of withdrawal.

Mr. Young questioned if there were specific dates in mind for the election. Ms. Johnson stated that per the letter she wrote to the Board dated September 30, 2003, they need to relocate one precinct, which would require sixty days. She stated that Precinct #4 needs to be relocated because they no longer have access to the field for parking.

Mr. Quinn stated that the motion based on the discussion would be to schedule the Referendum Petition election for February 3, 2004 with the direction that the Clerk is not to submit this date to the Election Commission until after the next Board meeting.

Mr. Bisio made a motion to schedule the Referendum Petition election for February 3, 2004 with the direction that the Clerk is not to submit this date to the Election Commission until after the next Board meeting. Ms. Carcone supported the motion.

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

Bob Seccombe, 56888 Nine Mile Road, stated that for the benefit of the some of the people here who worked very hard at this, he is assuming that what Phoenix is agreeing to is exactly what they would end up with if they went through the referendum. He stated that their original intent was to avoid a referendum and bring the party back so that they could renegotiate a reasonable density

and protect the integrity of the Master Plan. Mr. Quinn stated that this is correct. He stated that with the letter that they received at the break in the meeting this evening, which is signed by the Attorney representing Phoenix and the Trustee of the Trust that owns the land, they are both requesting that Ordinances 114 and 115 be repealed. Upon repealing these two Ordinances, it would place the zoning of the property back into its pre-existing condition, which would be R-0.3 and R-1.0.

Mr. Seccombe stated that what the citizens are looking for is reasonable zoning in that area. He stated that when they look at what is reasonable they need to consider the VanOyen parcel to the north. He stated that these folks have the right to ask for similar zoning as what is on the VanOyen parcel.

Mr. Seccombe stated that they recognize that when the Board had to make their decision, many of them would have made the same decision under the same circumstances. He stated that they are very pleased and feel that there is a more amicable relationship in the status between Phoenix and the Township because of all of this.

Robin Allen, 28550 Tindale Trail, questioned what the cost of a special election is to the Township. Ms. Johnson responded that it is several thousands of dollars.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

d. Discussion of Adoption Notices – Supervisor Shigley

Mr. Shigley relayed some information to the Board of what happened to him based upon the Phoenix Development. He stated that there were questions being asked in the media. He stated that in talking to the MTA Attorney, he was advised that the Township's notice was incorrectly published. He stated that he checked with the Charter Township of Oakland County to see what they were doing. He noted that it appears that Lyon Township is doing it a little bit differently than others.

Mr. Shigley stated that the Board has their choice of how they would like to consider having the notices. He stated that he wanted to bring this information to the Board so that the Board can decide if in the future they would like to modify the notices.

Mr. Shigley stated that he was told by the MTA Attorney that what they need to be showing in the notices is all the dates that deal with the Ordinance. He noted that he has provided a copy of the way that the notices should be done to the Board. He further discussed what should be done with the notices.

Mr. Young stated that what he has not had a chance to review the letter from the Township Attorney. He noted that he would much rather rely on the opinion of the Attorney than the folks at MTA. He stated that if there is a procedural error than they definitely should correct it.

Mr. Young stated that he felt that they should not make a decision on this until the Board has had a chance to review the Township Attorney's letter. Once they have had time to review the information, this could be put on the agenda for action. Mr. Shigley stated that this is fine with him, he just wanted to bring this issue to the Board's attention.

Mr. Adams stated that this Township has got to do things right. This is not to place blame on anyone, but there are certainly descending views on what is right and what is wrong. He stated that he feels it would behoove the Board to get this straightened out so that they are doing this right. He stated that the MTA is an advisory committee who tells us what is right and what is wrong.

He stated that he feels that it is important that the way the Township does business that they do things right. He stated that he is in favor of getting a decision from someone to straighten this thing out.

Mr. Shigley briefly discussed some of the things that he was told by the MTA with regard to the notices.

Ms. Johnson stated that they will have to remember this when doing the budget because the printing costs will increase. She stated that she doesn't like the method that this was brought about. She felt that this should have been discussed with the Township Attorney and herself, since her name is on these. She stated that she doesn't like the way that this was done, it is not fair and it points a finger at her office and the Attorney's office.

Mr. Olson distributed copies of the notices that the Township put in relevant to the Phoenix Development. He noted that he sent these to Mr. Quinn, Mr. Doozan and to MTA for their input to get a legal opinion. He noted that before the Board tonight is the legal opinion and asked Mr. Quinn to go through it.

Mr. Quinn stated that it is their opinion that Ordinances 114 and 115 will have a legal affect based upon the research that they have done. He stated that there is a difference between the Charter

Township Zoning Act and the Charter Township Act. The Supreme Court has stated that when you

have a specific Act, like the Zoning Act, it takes precedence over any more generalized Act such as the Township Charter Act. The Zoning Act was specifically followed by the Township in the adoption of Ordinances 114 and 115. He stated that they summarized their final conclusion in that

even if there was a technical error in any adoption of this Ordinance or any other Ordinance, then

the Michigan Courts are very strong in stating that those Ordinances are to be upheld and are to be given fact. He stated that they are satisfied that these particular Ordinances were adopted in

accordance with the Township Zoning Act and the case law.

Mr. Quinn stated that there are some conflicts between the two Acts and there is a 1980

Attorney

General's opinion that stated that certain things need to be done. Following the 1980

Attorney

General's opinion the State Legislators modified some of the laws to comply with this. He stated that the biggest difference of opinion amongst lawyers doing municipal law is between the Township Zoning Act and the Charter Township Act. The Charter Township Act has some additional

responsibilities that are required for the adoption and police of the Ordinances that are not necessary in the adoption of the Zoning Ordinance, such as map amendments.

Mr. Quinn stated that after the Board has had time to review the information, they can discuss this at the next meeting. He briefly discussed the West Bloomfield Ordinance which was distributed to the Board members by Mr. Shigley.

Mr. Young stated that in the future, as a matter of policy, if there is something that is misunderstood

in the procedures, he would like to see it brought to the Board and have counsel with the Township

Attorney before they go public and have the papers report it.

Ms. Carcone asked Mr. Quinn if the Township followed the procedure for the advertising. Mr. Quinn

responded that they did according to the Township Zoning Act.

Mr. Adams made a motion to authorize the Township to get another opinion regarding this issue because there are distending opinions. 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 not opposed to making sure that they do things publicly. He questioned

if the motion is asking that they pursue this further and have the Attorneys look at it. He stated that

he doesn't want to just throw money away and waste time.

Mr. Shigley asked if there were any public comments.

Dave Talaga, 25001 Douglas Drive, stated that if the Board is not going to use Mr. Quinn as the Legal Counsel for the Township, then they should ask him to leave. He stated that the Board should be able to make a decision with Legal Counsel's opinion.

Jim Hamilton, 24200 Martindale Road, stated that he felt that they should get a second opinion.

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

Motion approved.

e. 1st and 2nd Reading on Revisions to the Motor Vehicle Code

Mr. Quinn explained that with the amendments to State Law regarding the reduction of the presumption of driving while intoxicated from .10 to .08, the Township needs to bring their local Ordinance into compliance. One of the things is to adopt the Michigan Vehicle Code as referenced in this proposed ordinance. He stated that within the Michigan Vehicle Code are all of the requirements for the drunk driving laws and the suspended license driving laws.

Mr. Quinn stated that they are asking that this be considered as an emergency Ordinance, which would mean that the first and second readings would be held tonight.

Mr. Bisio made a motion to consider this the first and second reading of the 2003 Michigan Vehicle Code Ordinance. This is considered an emergency Ordinance and is deemed to be adopted this evening. Mr. Adams supported the motion.

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

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

Motion approved.

f. Planning Commission, ZBA and DDA Term Expirations (2 DDA Vacancies)

Mr. Olson stated that Ms. Johnson provided, in the packets, a listing of all of the positions with expired terms and soon to expire terms. He discussed the interview process for these positions. He asked the Board if they should re-interview anyone who has been on a Board and would like to remain. He stated that the following positions are expiring:

- Planning Commission Mike Barber and Richard Crook
- Zoning Board of Appeals Tony Raney and Mike Barber (PC Liaison)
- DDA There are four positions available

Mr. Olson asked the interview teams when they would be available for interviews. Mr. Cash stated that he would volunteer for the DDA. Mr. Olson stated that they would advertise for these openings and then set up dates for interviews. There was discussion with regard to what would be good days for the interview meetings to be set up.

After brief discussion, the Board determined that an incumbent should not need to be re-interviewed. The incumbent should submit a letter indicating their desire to remain on the Board that they are presently serving on.

g. Drain Contribution

Drain costs as it relates to this year's budget, Mr. Olson stated that he would have to beg the Board's indulgence in setting up some special meetings regarding this issue. He stated that there was a large revenue expense that came in that was a surprise from the Drain Commissioner. He explained the situation that happened with South Lyon Drain Number 1. He noted that typically the Township has paid the at-large drain expenses for whatever the Drain Commissioners office has done. He noted that typically they run \$5,000 or \$6,000 per year. For the upcoming 2004 fiscal year the amount is \$22,682.74. Of this \$16,282 is legal expenses for the defense on South Lyon Drain Number 1.

Mr. Olson stated that Mr. Quinn has been in contact with the City Attorney. He noted that the Drain Commissioner's Office has forwarded copies of the law suit and the dismissal. He stated that the question for the Board is whether or not to spread these amounts to the individual property owners or should the Township absorb these amounts from the General Fund as a cost of doing business. He stated that they received this information a week ago from the Drain Commissioner.

Mr. Bisio questioned how many residents are involved in this area. Ms. Carcone responded that this would affect most of Carriage Club because this is where the drain falls. She stated that she has a problem with spreading this out to the individual property owners. She further explained what happened with this and how the Township was notified.

There was further discussion as to how this whole thing came about.

Mr. Young made a motion to pay the money out of the General Fund. Ms. Carcone 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.

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

Motion approved.

7. Items Removed from Consent Agenda for Action or Discussion NONE

8. 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. Bisio supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The regular meeting closed at 10:03 PM.

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

Ms. Carcone made a motion to close the Executive Session and reopen the regular meeting.

Ms. Johnson supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The regular meeting reopened at 11:21 PM.

10. Adjournment

Ms. Carcone made a motion to adjourn the meeting. Mr. Adams supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The regular meeting was adjourned at 11:22 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary

Pamela Johnson
Clerk