

**CHARTER TOWNSHIP OF LYON  
BOARD OF TRUSTEES  
MEETING MINUTES  
February 2, 2004**

Approved as submitted March 1, 2004.

DATE: February 2, 2004  
TIME: 7:00 PM  
PLACE: 58000 Grand River

1. **Call to Order:** Supervisor Shigley called the meeting to order at 7:00 PM.

2. **Pledge of Allegiance**

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

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

Guests: 21

4. **APPROVAL OF THE CONSENT AGENDA**

- Approval of Workshop Meeting Minutes of January 5, 2004
- Approval of Regular Meeting Minutes of January 5, 2004
- Approval of Disbursements
- Approval of Financial Statements through December, 2003
- Zoning Officer Report
- Sheriff Department Monthly Report
- Building Department Monthly Report & 2003 Annual Report
- Fire Department Monthly Report
- Engineer Monthly Report
- Dr. Schneider – MEGA contribution

Mr. Adams requested that they remove the Dr. Schneider – MEGA contribution from the Consent Agenda for discussion at the end of the meeting.

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

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

Motion approved.

**5. CALL TO THE PUBLIC ON NON-AGENDA ITEMS**

Darcy Hollon, 24300 Martindale Road, discussed the following issues:

- sidewalks on the exterior of Carriage Club not cleared of snow
- the amount of pot holes on Martindale Road by Carriage Club
- status of the signal at Martindale Road

Sharon Chalifour, 57620 Pontiac Trail, discussed the following issue:

- detention pond thawing – will her property be flooded?

**6. APPROVAL OF AGENDA**

Mr. Shigley that the following be added to the end of the agenda:

- Township Properties Discussion
- West Nile Virus Update
- Agenda Discussion

Mr. Shigley noted that he would like to add "Election Commission" onto next month's agenda.

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

Voice Vote:                      Ayes: All  
   Nays: None

Motion approved

**7. ANNOUNCEMENTS AND COMMUNICATIONS**

Ms. Carcone thanked Jim for the great article regarding the Christmas in April program. She noted that she received two calls about this program today.

**8. PUBLIC HEARING ON PROPOSED WEST PONTIAC TRAIL SANITARY SEWER SPECIAL ASSESSMENT DISTRICT**

Ms. Carcone made a motion to close the regular meeting and open the public hearings for the Proposed West Pontiac Trail Sanitary Sewer Special Assessment District and the Proposed West Pontiac Trail Water Special Assessment District. Mr. Bisio supported the motion.

Voice Vote:                      Ayes: All  
   Nays: None

Motion approved. The public hearing was opened at 7:11 PM.

Mr. Quinn explained that at the last meeting the Board took the necessary steps to begin by Board resolution this proposed sanitary sewer improvement district. This district will be called West Pontiac Trail Sanitary Sewer Special Assessment District. The estimated cost of this project is \$1,600,000. The principle properties located within this district are the Friedlaender parcels, the Hornbrook parcels, the Elkow parcels and the Pinehurst parcels. The concept will be to supply sewer from the north to the various parcels. The construction will only be paid for by the Friedlaender parcel because of their frontage. He stated that there is a possibility, but he is not sure yet, whether or not the Hornbrook parcel will be paying any construction costs. He stated that there will be REU's purchased by Friedlaender for phase one, by the Hornbrook parcel and

by the Pinehurst parcel.

Mr. Crandell, using a displayed map, gave a description of what the layout of this project will be.

Mr. Quinn stated that any prepayment for capital charges would go directly back into this project for construction so there would not be a SAD portion in a private contract that they normally do. It would all go toward construction and be part of the special assessment district.

Mr. Young questioned if the \$1,600,000 includes the pump station and the line. Mr. Crandell responded that it did. Mr. Young stated that where the pump station is, in this particular location, he questioned if all the other lands in this area could be serviced by this. Mr. Crandell responded that they could.

Mr. Quinn stated that all of these projects are at various stages in the process. He stated that there will not be a final commitment from these projects until their plans are approved by the Planning Commission.

Kathy Hansen, 29360 Roediger, questioned if going ahead with this project would put pressure on the Board to increase the density in these developments rather than the density that is indicated in the Master Plan. Mr. Shigley responded that this has not put pressure on the Board in the past.

Mr. Quinn stated that ultimately the numbers of the SAD will depend upon what is approved by the Planning Commission and the Board. The SAD is going to be in the background until the decisions are made by the Planning Commission and the Board.

Ms. Hansen stated that there is an a lot of pressure on the Planning Commission and the Board to approve much higher density than what the residents and the Master Plan expect.

Mr. Shigley questioned if all the property owners affected by this received a mailed notice of the public hearing. Ms. Johnson responded that they did.

There were no other public comments regarding this issue.

#### **9. PUBLIC HEARING ON PROPOSED WEST PONTIAC TRIAL WATER SPECIAL ASSESSMENT DISTRICT**

Mr. Quinn stated that this is basically the same area as described above. He stated that the estimated costs for this project are \$2,000,000. The property owners are the same as the ones involved in the sanitary sewer special assessment district.

Mr. Crandell, using a displayed map, gave a description of what the layout of this project will be.

Mr. Quinn noted that all the prepaid capital charges would go back into the construction costs of this project.

Darcy Hollon, 24300 Martindale Road, questioned who Multi Building Company is. Mr. Quinn responded that this would be building for the Friedlaender property. Ms. Hollon questioned if this would cover the Erwin property. Mr. Quinn responded that it would not. Mr. Olson noted that other properties can join in on this.

Mr. Quinn stated that Giffels-Webster is going to have an informational meeting for the smaller property owners along both the sewer and water route to see if they do voluntarily want to join in. He stated that the Township is not forcing the smaller properties to join in, but if they do want to take advantage of this, then they certainly can become a participant in the district.

Rupert Biggs, 61471 Tayberry Circle, stated that when this comes off Silver Lake Road and goes up Pontiac Trail, who will pay for the water line to get to these parcels. Mr. Crandell responded that it would be part of the special assessment district. Mr. Biggs questioned if he wanted to tap into this, would there be a special assessment or are they not allowed to tap into it. Mr. Crandell responded that everyone directly adjacent to it and would pay a lateral benefit charge of \$4,500.

Mr. Bisio questioned if that subdivision as a group could chose to tie into the water. Mr. Crandell responded that they would probably do another special assessment district to extend the water to the subdivision.

Mr. Shigley stated that by putting these services out into the Township, the Township is hoping that the potential City annexations would not happen.

Mr. Bisio made a motion to close the public hearings and re-open the regular meeting. Ms. Carcone supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved. The regular meeting was re-opened at 7:26 PM.

## 10. UNFINISHED BUSINESS

### a. Resolution to Determining Necessity of Improvements and Designating Special Assessment District for West Pontiac Trail Sanitary Sewer

Mr. Quinn stated that this is the follow-up to the public hearing that was just held. The resolution is in proper form for the Board's approval. By approving this resolution, the Board is declaring that these improvements are necessary and would designate this as a special assessment district for sewer. The total cost is \$1,600,000, as indicated in paragraph 3. The Township's, at-large, share is zero. The roll is confirmed based on how many purchases of REU's for sewer are accomplished and these would be subtracted from the district and moved over to the Township at-large's share.

Mr. Quinn stated that once this resolution is adopted the Engineers will begin and complete the design of the sewer lines. There will be two more public hearings held that will specifically identify the properties and how much each property will be assessed.

Mr. Shigley stated that in the information provided in their packets, there is one property that was crossed out. He questioned the reason for this. Mr. Quinn responded that this property was split into five other parcels. The split off parcels were identified and notified.

Mr. Young made a motion to adopt the Resolution Determining the Necessity of Improvements and Designating Special Assessment District for the sewer in the amount of \$1,600,000. 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: Shigley, Bisio, Cash, Young, Carcone, Johnson, Adams  
                              Nays: None

Motion approved.

### b. Resolution Determining Necessity of Improvements and Designating Special Assessment District

**for West Pontiac Trail Water**

Mr. Quinn stated that the total cost for this is \$2,000,000 as is indicated in paragraph 3. He stated that the Township at-large is zero. Depending upon the purchase of REU's these numbers may vary. The property owners are the same as the sewer SAD.

Mr. Young made a motion to adopt the Resolution Determining Necessity of Improvements and Designating Special Assessment District for the water in the amount of \$2,000,000. 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: Bisio, Adams, Cash, Shigley, Young, Carcone, Johnson  
                                  Nays: None

Motion approved.

**11. NEW BUSINESS**

**a. Verizon and Michigan Bell/SBC – Metro Act Permit**

Mr. Quinn stated that these are right-of-way permits that are part of the new State Law. He stated these are two separate permits, one for Verizon and the other for SBC. He stated that they also provided CD's with their routes on them so that the Building Department and the County will know where their underground wires are located. He stated that this is all in compliance with the State Law. He stated that they have already notified the Metro Act Director that these permits are being considered for approval.

Mr. Quinn stated that these lines would then get logged in on a statewide basis. These companies would then pay an annual fee, based upon the amount of linear footage they have in the entire State. The Township would then receive a fee based upon how many linear feet are within the Township.

Mr. Quinn stated that a motion to approve the right-of-way telecommunications permit for each of them would allow the Supervisor the authority to sign this contract/permit. The Clerk would then send them out to the respective applicants for execution and then one copy would be returned to the Township for their records.

Mr. Shigley stated that he would like for these permits to require the telecommunications companies to work with the Township and Engineers as to the location of future lines.

There was brief discussion as to who would be responsible for paying to have lines moved, if it is necessary for Township construction. It was noted that it would be at the Township's expense.

After further brief discussion, Mr. Shigley called for a motion.

Mr. Cash stated that they have no jurisdiction over the County's right-of-ways. Mr. Quinn stated that this is true unless the Township has their own ordinance. He stated that they can work with the Township Engineer to put a draft together for the Township.

Mr. Young made a motion to approve the right-of-way telecommunications permit for Verizon per the language on the submitted form. 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, Johnson, Cash, Carcone, Bisio  
                                  Nays: Shigley

Motion approved.

Mr. Cash made a motion to approve the right-of-way telecommunications permit for Michigan Bell Telephone Company. 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: Adams, Johnson, Young, Carcone, Bisio, Cash  
                                  Nays: Shigley

Motion approved.

**b. Discussion of Possible Amendment to Tree Protection Ordinance (#46A-95 & 46B-02)**

Mr. Quinn stated that this is on the agenda for two purposes, to get the Board's input and discussion. He stated that there is pending litigation with the Langan family concerning the tree violations on the Nine Mile Road parcel. There has been many discussions about ways to resolve this. He summarized the discussions that they have had. He stated that the letter submitted by the Langan's requests that they be considered as part of the ordinance. He noted that they have also submitted information pertinent to this. He stated that it would appear that McKenna Associates, Inc. should review this information in the same light that they reviewed the fifty parcels in 2002. He noted that McKenna Associates, Inc. would then make a recommendation to the Board as to whether or not these parcels should be included. If so, then the ordinance should be amended.

Sue Saddler, Attorney, stated that what Mr. Quinn has indicated is indicative of what her understanding is of where they are at. She stated that they have provided information to the Township. She stated that they would like to get this resolved. They believe that this was in error or an oversight. They don't know if this appeared on a draft list and was stricken at some point, but these parcels do fit the criteria and qualifications of the issue. She believed that they have also provided the Township with a hand written letter from one of the farmers who is an independent contracting service for both of these parcels. She stated that if the Township does not have a copy of this, she will forward one.

Ms. Saddler stated that they believe that they fit the criteria. She stated that they are not here to argue the appropriateness of the ordinance, they just want to correct this error. She stated that she would be happy to answer any questions. She noted that if there is any other information that the Board requires, she will be happy to supply it.

Mr. Quinn stated that he would think that Mr. Doozan may request more information, but it would certainly help if Ms. Saddler had any of the additional forms (AE1026a) for years other than the current year, this would certainly be beneficial. Ms. Saddler stated that they will provide these. She noted that they have provided more information than any other parcel has provided with regard to this issue.

Mr. Quinn stated that he will be working with Mr. Doozan to try and get this resolved by the next

regular meeting. He explained the steps that this will take.

Ms. Carcone stated that they have assessments of all the properties in Lyon Township. She stated that the supplements are actually done by Oakland County. She noted that Oakland County took all the agricultural properties that were labeled as farmland and went out and visited each site. A letter was also sent to each taxpayer of record on these properties asking them to fill out a farm exemption form, if they are truly farming the land. She stated that she believed that you have to derive 50% of income from farming the property in order to have it claimed as farmland. She stated that Oakland County ended up taking all the properties off.

Mr. Quinn discussed an incident that came up at the Planning Commission last week with regard to tree replacement at the Twin Pines Condominium site.

Mr. Shigley asked if there is any more discussion from the Board members. There was none. He then asked if there were any public comments.

Jim Hamilton, 24200 Martindale Road, discussed the Martindale paving and the City's promise to replace trees. He noted that the City did replace the trees.

There was no formal action taken on this. Mr. Quinn was given the direction as to how to proceed.

### **c. Resolution regarding Amended Utility Fees for Sewer and Water**

Mr. Crandell explained the changes that are being proposed to the utility fees for sewer and water.

Mr. Bisio questioned the reason for the increases. Mr. Crandell responded that the Township's capital charges are very low for water. He stated that they cannot support the water system on the existing charges. He explained how they came up with the new figures.

Mr. Adams questioned if there will be a public hearing for this. Mr. Quinn responded that no public hearing is required. Mr. Crandell stated that they are not forcing anyone to connect. Mr. Adams felt that the residents should be made aware of these fees.

Mr. Crandell stated that as part of the agreement with Park Place, the Township has to do a rate study on the sewer system. He recommended that the Township also do a rate study on the water system at the same time. He stated that the Township's rates could then be set based on the study. He stated that what they did here is fairly simple and did not include a lot of the costs.

Mr. Adams questioned if these are interim charges. Mr. Crandell responded that they are until the rate study is done.

Mr. Bisio questioned what the quarterly rate increase would be for sewer. Mr. Crandell responded that they are not talking quarterly rates at this time. The current rate is \$85.00.

Mr. Young questioned what is driving this change right now, are there some folks that want to tap in. Mr. Crandell stated that most of the people interested right now are developers. Mr. Young stated that if it is mostly developers right now, he would rather, if there is any error in this, he would rather err on the part making sure that they are solvent.

Mr. Shigley stated that he doesn't like to see the Township raise the rates. He stated that he would rather see the rates lower than on the high side. He stated that he has not had time to verify the

prices and would agree that they should have a public hearing.

Mr. Crandell stated that the lateral benefit charge that he proposed a couple of months ago was \$6,000. He stated that the lateral benefit charge is there to basically be equivalent to what it would cost to put in a water main. He stated that he considers \$6,000 to be in the low to medium range.

After further discussion, the Board determined that this issue should be tabled so that they may have the Engineer provide more information. The additional information that they would like to have the Engineer provide is a comparison of other developing communities rates and what these rates are based on.

Mr. Young made a motion to table the amended utility fees for sewer and water for thirty days to allow the Engineer to provide more information. 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.

Kathy Hansen, 29360 Roediger, questioned if a resident would like to connect to either the water or sewer, are they then mandated to connect to the other, either the water or sewer. Mr. Shigley responded that with regard to the sewer, if the resident's septic fails and they are within 200' of the sewer lines, then they must connect. He stated that other than this, a resident is not required to connect. Mr. Olson stated that the determination of whether or not the septic has failed by 50% or more, is made by the County Health Department.

Rupert Biggs, 61471 Tayberry Circle, questioned if he were to decide to hook up to the water system, can he have both the water system and a well. The purpose of keeping the well would be for lawn sprinkling, etc. Mr. Quinn responded that this is possible, but there are certain engineering requirements that would have to be met. The outside water would have to be totally separate from the house water. Mr. Biggs questioned if a resident would be penalized if they waited for a couple of years after the system was installed to hook up to it. Mr. Quinn responded that the sewer increase would be annually, but the water is at the discretion of the Board. Mr. Biggs questioned if they would ever be forced to hook up to the water. Mr. Quinn responded that it is a policy matter for each Board. He stated that this Board has taken the policy that there will not be any forcing of anyone to hook up to the system, but that could change at any time.

Sharon Chalifour, 57620 Pontiac Trail, questioned if a resident's well went out, could they replace the well rather than hooking into the system. Mr. Shigley responded that they could.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved.

**d. Proposed Ordinance regarding Banquet Hall Amendment to User Connection Schedule – First Reading**

Mr. Quinn stated that in the water and sewer ordinance, the Township adopted the Oakland County Public Works methodology for assigning the units factors for REU's for sewer purposes. The County made a change in their schedule and included a banquet hall for the first time. The Township needs to amend their ordinance to include this also. This is the first reading and would put the Township in compliance with the County standards. He noted that this is also a requirement of the Township's agreement with Park Place because the Township is mandating

to adopt the County standards.

Mr. Shigley questioned how this number was calculated. Mr. Quinn responded that the County did the calculations. There was brief discussion regarding the charges for other types of usages compared to this one.

Mr. Cash made a motion to approve the first reading of the proposed ordinance amendment regarding banquet hall user connection schedule. 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: Carcone, Johnson, Adams, Bisio, Young, Cash, Shigley  
                              Nays: None

Motion approved.

**e. Resolution of Tentative Declaration of Intention to Make Improvements on Woodwind Well Special Assessment District**

Mr. Quinn stated that the Township has received a petition for the well system improvements at Woodwind signed by the representatives of Woodwind Investment Company, L.L.C., who are the owners of the six parcels, and by Curtis A&M Northville, L.L.C., the owner of four parcels.

Mr. Crandell explained what improvements will be made to the well system at Woodwind. He stated that the only properties involved in this would be the Woodwind property and Northridge Estates.

Mr. Shigley stated that the resolution indicates that there is an Exhibit B, but he does not have a copy of this. Mr. Quinn stated that this is a map which was brought to the Township Hall today and was given to the Clerk's office. He stated that the map indicates that all of the Woodwind property and all of the Curtis property on Nine Mile is included in this district.

Mr. Cash asked Mr. Crandell to explain to the Board what they are trying to do with the system and how close they are to actually having a loop system. Mr. Crandell did so.

Mr. Bisio made a motion to approve the Resolution of Tentative Declaration of Intention to Make Improvements on the Woodwind well special assessment district. 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: Young, Shigley, Adams, Cash, Johnson, Carcone, Bisio  
                              Nays: None

Motion approved.

**f. Proposed Ordinance Regulating Floodway District, Flood Hazard Areas and Wetlands – First Reading**

Mr. Quinn explained that this ordinance came at the suggestion of the Township Engineer's office. This ordinance would control development within floodway districts, flood hazard areas and wetlands. He stated that this would be the first reading tonight with the second reading at

the March meeting.

Mr. Crandell stated that he has had his staff look at this ordinance and noted that he does have a few comments on it. He stated that the ordinance is in pretty good shape for introduction. He stated that between now and the second reading they will make some minor modifications.

Mr. Shigley stated that they didn't get this until a few days ago when they got their packets. He stated that he has not had proper time to review this information. He stated that he is not ready to vote on this until he has had time to review the information and recommended that they table this issue.

Mr. Cash stated that this is a first reading and will have to be brought up again next month. At that time, if it is not in proper form, they can table it. He stated that for a first reading he does not have a problem.

Mr. Cash made a motion to approve the first reading of the Ordinance Regulating Floodway District, Flood Hazard Areas and Wetlands. 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.

Kathy Hansen, 29360 Roediger, questioned when a map of the flood plains be available for the residents. Ms. Johnson responded that the only map they have to go by is the flood plains management maps that were done by Giffels-Webster Engineers. She stated that FEMA never mapped the Township.

Mr. Crandell stated that he appreciates Mr. Shigley's concerns. He stated that the good news is that there are very few homes that are in the flood hazard areas. He stated that there are parts of one subdivision, but felt that they should be taken care of very easily.

Mr. Bisio questioned if this would affect any of the planned developments that the Township is dealing with now. Mr. Doozan responded that it will not because they have been paying attention to the flood plains.

Darcy Hollon, 24300 Martindale Road, questioned if this will delineate the areas that have not been developed yet. Mr. Shigley responded that this primarily indicates the flood plain areas and indicates if the land has been developed yet or not. Ms. Hollon questioned how this will affect the areas that get flooded out when the developers change the grade. Mr. Shigley responded that this is up to the Engineers to make sure that this doesn't happen.

Kathy Hansen, 29360 Roediger, questioned what happens to the detention ponds that are filling in and are now meadows. Mr. Crandell responded that most of the detention ponds were built as part of the subdivisions and it is the responsibility of that subdivision to maintain them.

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

Motion approved.

**g. Proposed Ordinance Regulating Cost Recovery regarding Under Influence and Drunk Drivers – First Reading**

Mr. Quinn stated that Sgt. Crockett contacted him and suggested that the Township consider adopting this cost recovery ordinance. This ordinance states that when the police have to make

responses for motor vehicle accidents or arrests involving drivers who are intoxicated or impaired, that the cost that the department incurs in going out on these calls be allowed to be assessed against the intoxicated driver either by the court or by civil collection. He stated that instead of this money, which is currently going to the County, to come back to the Township. The Township then can use these funds as they see fit. He stated that this is the first reading. He stated that this is now becoming a fairly standard ordinance amongst municipalities, cities and townships.

Mr. Quinn stated that Sgt. Crockett has some minor changes that he has recommended and will be included when this is brought back for the second reading.

Mr. Shigley stated that he feels that this is a good thing and that they should consider it. He stated that he would recommend that they approve the first reading.

Ms. Johnson stated that she was with the Township when they had billing for ambulance service many years ago. She stated that it was a nightmare. They would pay the ambulance bill and then try to collect. She stated that it wound up in collection agencies and was a great cost to the Township and they recovered very little.

Ms. Johnson stated that because of privacy issues, she did not feel that this should be upstairs through the mainstream. She felt that this should be handled downstairs in the sheriff's department.

Ms. Carcone stated that she agrees with Ms. Johnson with regard to the privacy issues. She stated that she doesn't know how easy it will be to collect the money.

Sgt. Crockett stated that this has been going on in many, many jurisdictions. He noted that South Lyon PD does it as well as Wixom PD and they have been doing this for many years. He stated that the sheriff's department will not get the money. The money will go into the Township's general fund. He stated that with regard to payment, the courts don't want anything to do with this because it is a civil issue between the Township, the City and the defendant. He stated that as far as the payback rate is, it is about 50%.

Sgt. Crockett stated that last year in Lyon Township they had 23 arrests based on alcohol related accidents. The average amount of money that is being charged is roughly \$500 each incident.

Mr. Adams questioned if the defendant did not pay, could a warrant be issued for their arrest. Sgt. Crockett responded that a warrant could not be issued because this would be considered a civil issue.

Sgt. Crockett stated that they are doing the cost recovery through the department. He stated that if the Township doesn't want the money, the County does. He further discussed this issue. He stated that he proposed this to the Township at the request of his department.

Mr. Quinn stated that some of the other municipalities that he represents, such as Hazel Park, has this type of an ordinance.

Mr. Bisio made a motion to approve the first reading of the Ordinance Regulating Cost Recovery. Mr. Adams supported the motion.

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

Mr. Cash asked Sgt. Crockett if once his department gets to a certain size will he be looking to hire

when clerical help. Sgt. Crockett responded that this certainly could happen. Mr. Cash stated that that happens maybe this could be taken over by that clerical person. Sgt. Crockett stated that he would like to have somebody there part-time right now.

Mr. Shigley asked if there were any public comments.

Sharon Chalifour, 57620 Pontiac Trail, stated that she feels that this is a good thing.

Kathy Hansen, 29360 Roediger, questioned what about the person who causes an accident because they are on a cell phone or the person who causes a disturbance. She felt that they are kind of narrowing their scope to one set reason. Mr. Quinn responded that this particular ordinance is allowed by State Law. He stated that State Law does not mandate cost recovery in these other circumstances.

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

Motion approved.

#### **h. DDA Amendments**

Mr. Olson stated that the Board received tonight a bound volume from the Planners and the DDA as well as a memo from himself. He stated that this is the latest, updated listing of projects along with updated costs. He stated that he would like the Board to place this issue on the Wednesday's meeting agenda. He briefly discussed some of the items listed in the handout. He stated that this will also have to go to the County for their approval as well.

There was brief Board discussion regarding the items listed in the handout. Mr. Shigley asked the Board if they wished to have this issue tabled until the Wednesday meeting. Mr. Adams felt that this warrants a special meeting of this issue alone. Mr. Shigley concurred. He noted that there is a lot of information here and felt that they should devote enough time to this issue.

there Todd Wyett requested a joint meeting of the DDA, Planning Commission and Board of Trustees. He stated that the engineers and attorneys could come and give a presentation. He stated that is finally money coming in but they are too gun shy to spend the money without direction from the Board.

Mr. Shigley felt that having a joint meeting of the DDA, Board of Trustees and Planning Commission is a good idea. He suggested that the Board allow himself and Mr. Olson to discuss this and determine a date for a special joint meeting.

Ms. Carcone made a motion to table the DDA amendments until a date is scheduled for a joint meeting of the DDA, Board of Trustees and Planning Commission. The date for the meeting is to be worked out by Mr. Shigley and Mr. Olson. 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.

Voice Vote:           Ayes: All  
                                  Nays: None

Motion approved.

Mr. Adams suggested that they discuss the Dr. Schneider issue before items i, j and k. The Board concurred.

**12. ITEMS REMOVED FROM CONSENT AGENDA FOR ACTION OR DISCUSSION**

**a. Dr. Schneider – MEGA Contribution**

Mr. Olson briefly summarized the information contained in his memo to the Board dated January 28, 2004. He stated that roughly they are looking at about a \$175,000 local match that the State can leverage into \$4,500,000 in other incentives. He noted that these negotiations are still ongoing. The project apparently is changing to some degree, but this is an ongoing situation with the State.

Bennett Donaldson, JB Donaldson Company, stated that as far as Dr. Schneider is concerned they are here this evening to request a tax abatement from the Township. He stated that Dr. Schneider is a German company and operates globally. Dr. Schneider employs approximately 1,600 people. He stated that they originally proposed a phase one of a 42,000 square foot manufacturing building with 70 employees. They are now proposing 72,000 square feet with about 200 employees for phase one with future expansion.

Mr. Donaldson stated that Dr. Schneider has a real disparity between Canada, which is our competition, and Lyon Township. He stated that they are going after the Michigan MEGA Grant, which Dr. Schneider does qualify for, with the one exception that a local contribution is required. He stated that a local contribution has been made in the form of tap fees, which is acceptable under the Michigan MEGA. He stated that unfortunately, there is a portion of the MEGA credit that cannot be allocated to Dr. Schneider because it is a unique form of contribution, which is in the form of a tax abatement. He stated that if a tax abatement were to be granted there are additional funds that could be moved over to Dr. Schneider. He stated that they are asking for approximately \$100,000 a year in tax abatement funds from Lyon Township over twelve years. He stated that Dr. Schneider would be willing to equalize these funds to the Township in some fashion for community sponsored programs, etc.

Mr. Shigley questioned if Dr. Schneider is an existing business in the Township. Mr. Donaldson responded that Dr. Schneider is not existing currently in the Township or the United States.

Mr. Shigley stated that the Township has never been very positive on tax abatements. He stated that local jobs are very important to him and whatever they can do to generate them in the community, he feels that he can relax the commitment of no tax abatement in the community.

Mr. Young questioned what the \$100,000 shortfall mean in terms of State money. Mr. Donaldson responded that it means about \$8,000,000. Mr. Young stated that he read through the letter put together by Mr. Olson and commended Dr. Schneider for being creative in what they have put together so far.

Mr. Olson stated that many times with a tax abatement, you end up with a contract between the municipality and the corporation. He briefly discussed how the DDA would be affected. He stated that the question for the Board is whether or not they want to open the door to tax abatements. He stated that if they do, then they will have industry who feels that they are entitled to this come before the Board.

Mr. Adams stated that this is a different situation. This is a business that doesn't even exist in this County. It is a business that is being brought in from another Country and will be creating 350 jobs. He stated that this is really at no cost to the Township because it will be paid back. He stated that he has no idea what a 72,000 square foot building would bring in taxes, but felt that it would be a

very good tax base. He stated that these are all things that they have to consider rather than just saying that this will set a precedence.

Mr. Shigley stated that the Country is dealing with many jobs moving out of the Country. He stated that he heard that Michigan Cat just had a huge lay-off on Friday. He stated that if they could do a tax abatement on just personal property instead of real property. Todd Wyett stated that the State will not allow this. He stated that the taps were a nice gesture, but it doesn't meet the State law. Mr. Olson stated that the State law says local contribution, it does not say tax abatement.

Ms. Carcone stated that this company is coming to the Township and renting and could leave tomorrow. She stated that in her opinion, if she was ever to approve a tax abatement, she would like to see an ad-hoc committee formed and she would like to see what other communities have done and what their criteria is for giving tax abatements. She questioned what the Board would say to some of the other companies in the Township that did not get a tax abatement, such as Richard Tool & Die and Cummins. She stated that she doesn't want Dr. Schneider to get the wrong idea, but she has to be responsible to every tax payer that comes into the Township.

Mr. Wyett stated that if the Board does not approve this in short order, Dr. Schneider will not qualify for the grants. Mr. Young stated that Dr. Schneider does qualify for a portion based on the 22 REU's. He stated that it is not that the Township does not want this, the Township definitely does want the industrial growth. The truth of the matter is, because of the Township's low tax rate, they are going to get development anyway. It is just a matter of time. He stated that when he read the letter he got excited with the idea that the Township is going to get this without a tax abatement. But now Dr. Schneider is asking the Township to open the door for tax abatements and the precedence that it sets. He stated that by opening the door, the Township is going to be hounded and hounded for tax abatements.

Peter Jansen, Dr. Schneider, stated that the project comparison between Lyon Township and the Canadian location, just on a business model, there is a difference of about \$20,000,000. This is the raw comparison. He briefly discussed the MEGA Grant. He stated that if a tax abatement would be granted, this would obviously lower the taxes on real and personal property. He stated that this calculation is still about \$3,000,000 to \$5,000,000. In Canada this company would not pay tax on personal property. He stated that with the MEGA Grant they can waive the SBT portion, but they cannot waive personal and real estate. He stated that the other part of the MEGA Grant goes for jobs created, which is something that they have in their favor.

Mr. Jansen stated that he is still left with a huge gap to explain to the company, which is basically neutral. He stated that they just look at the bottom line. He stated that they need to close the gap a little more and the only way to do that right now is by tax abatement.

Mr. Jansen briefly discussed what Dr. Schneider does and the types of jobs that will be created.

Mr. Quinn questioned if they are asking for a 50% tax abatement on real and personal property. Mr. Jansen responded that this is correct. Mr. Quinn stated that a contract can be entered into and it can indicate that if the company leaves before the twelve years, they will have to pay back any abatement granted by the Township.

Mr. Shigley questioned the timing on this. He stated that if this Board tonight looked at drafting an abatement, what is the timing as to when this is needed. Mr. Jansen responded that the timing is approximately twenty days. He stated that a decision will be made by the end of February by the company Board.

The Board members expressed their feelings about this. Mr. Young stated that he would have to be

much more convinced before he would ever vote for this. He stated that if they were to vote right now, then he would have to say no. Mr. Bisio stated that he is on the fence right now, he is 50/50. Ms. Johnson stated that she feels that this would set a precedence and she is not for this. Mr. Shigley stated that he is for trying to find ways of bringing jobs to the Township. Ms. Carcone stated that if they had to vote now, she would have to vote no. She stated that she is willing to sit on a sub-committee to investigate. She felt that this is a huge decision for the Township and just couldn't vote for it without more information. Mr. Cash stated that he is not in favor of abatements. He stated that he knows several people who have built their businesses in this Township and have never come in and asked for an abatement. He stated that he would support working with the company to get them in here, but could not vote for a tax abatement now. He stated that he would be willing to look at more information that could possibly change his mind. Mr. Adams stated that he is very tired of hearing jobs going to other Countries. He felt that this community would be looked down upon for not cooperating with a very high standard company like Dr. Schneider. He stated that at this point he is swaying toward trying to work something out to bring the jobs to the community.

After further discussion, the Board determined that they would set up a sub-committee to further investigate this issue and gather more information.

Mr. Adams made a motion to create a sub-committee to further investigate and advise the Board. The sub-committee will be comprised of Pat Carcone, Steve Adams, Joe Shigley and Chris Olson. 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.

John Hicks, 29393 Tonester Circle, stated that he does not know what kind of a precedent was set when the Township made a contribution to Deco Trim for road paving of South Hill.

Voice Vote:                      Ayes: All  
   Nays: None

Motion approved.

## **11. NEW BUSINESS CONTINUED**

### **i. Township Properties Discussion**

Mr. Shigley stated that he noticed that some of the Township properties need some work done on them.

Mr. Olson briefly discussed the problem with the vent in the Township Hall kitchen. He stated that there are some building issues at the Library also. Mr. Young stated that they need to find out what type of funding is available to help pay for the improvements.

Ms. Carcone stated that the Township has a maintenance man who has plenty of time to go around and make a list of what needs to be done.

It was determined that the maintenance man would compile a list for the Board to review.

### **j. West Nile Virus Update**

Mr. Olson updated the Board on what they have done with regard to West Nile Virus.

**k. Agenda Discussion**

Mr. Shigley stated that with the last agenda they received a lot of things to read and research. He stated that he felt that there was not enough time. He stated that he would like to have the packets sent out to the Board members earlier than they have been.

Ms. Carcone stated that the problem is with all the additions they keep getting at the last minute.

Mr. Young stated that the way that they are handling these situations now is that if there is not enough time, then they table the issue. He stated that it is difficult to get all the information especially when something comes in at the last minute.

**13. MISCELLANEOUS DISCUSSION            NONE**

**14. EXECUTIVE SESSION REGARDING PENDING LITIGATION**

There was no Executive Session this evening. The Executive Session will be held on Wednesday, February 4, 2004.

**15. ADJOURNMENT**

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

Voice Vote:            Ayes: All  
                              Nays: None

Motion approved. The regular meeting was adjourned at 10:33 AM.

Respectfully Submitted,

*Deby Cothery*

Deby Cothery  
Recording Secretary

Pamela Johnson  
Clerk