

**CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES
MEETING MINUTES
March 1, 2004**

Approved as submitted April 5, 2004.

DATE: March 1, 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 Dan Cash, Trustee Lannie Young, Trustee
Absent:	Ray Bisio, Trustee (vacation)
Also Present:	Matt Quinn, Township Attorney Chris Olson, Township Superintendent Chris Doozan, Township Planner Leslie Boisvenu, Township Engineer Les Cash, Fire Chief
Guests:	42

4. **APPROVAL OF THE CONSENT AGENDA**

- Approval of Regular Meeting Minutes of February 2, 2004
- Approval of Special Meeting Minutes of February 4, 2004
- Approval of Special Meeting Minutes of February 9, 2004
- Approval of Disbursements
- Fire Department Monthly Report
- Engineer Monthly Report
- Zoning Officer Report
- Sheriff Department Monthly Report & 2003 Annual Report
- Building Department Monthly Report
- Approval of Cub Scout Rocket Launch for Sunday, May 16th (Alt. Date Sunday, May 23rd)
- Approval of Park use for Spark Plugs/Cowtown Cruisers Swap Meet for Sunday, May 23rd
- Approval of South Lyon amateur Radio Club Field Day (June 25, 26, 27)
- Approval of Additional Expenditure for the Huron River Trail

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

Mr. Shigley stated that on the Sheriff's report the amount of robberies went down. He noted that they had a robbery in the Township today at one of the banks.

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

Motion approved.

5. CALL TO THE PUBLIC ON NON-AGENDA ITEMS

Bill Palmer, 55535 Woody Lane, commented on the property behind his home, which is the Langan property. He noted that the Langan's are requesting exemption from the tree ordinance. He stated that it would be his desire to see any trees and any wetlands preserved for the wildlife.

Christina Bush, Michigan Department of Community Health, stated that an exposure investigation by the Michigan Department of Community Health began today. She thanked the Township for posting the information on the web site. She noted that there were articles in the South Lyon Herald and Oakland Press. A formal report on this investigation is expected as early as late summer.

Mr. Shigley stated that he does have an announcement that would go along with this. He stated that the odor investigation is beginning today. He stated that he would like to thank the citizens of the Township who helped make this happen. He noted that the Township had actually petitioned the Department of Public Health back in December, 2001.

Darcy Hollon, 24300 Martindale Road, stated that on behalf of Jim and Barbara Hamilton, who could not attend the meeting tonight, she questioned the status of the old bowling alley on Pontiac Trail. Mr. Shigley stated that they could refer this to Mr. Phillips for an answer. Ms. Johnson indicated that she could give an update. She stated that several variance requests came before the ZBA, which were granted. She stated that she does not know, however, what the hold-up is for renovating the building.

Bill Altgilbers, President, Continental Aluminum, stated that he would like to make a correction on a comment made earlier. He stated that it is not an odor investigation, it is an exposure investigation. He submitted and discussed documents regarding the stack silencers. He stated that he looked at this as pollution control equipment and not as a modification to the building and sought MDEQ's approval.

6. APPROVAL OF AGENDA

Mr. Adams requested that the following issue be removed from the agenda:
- Proposed Pay Levels of Staff

Mr. Adams made a motion to approve the agenda with the removal of Proposed Pay Levels of Staff. Mr. Shigley supported the motion.

Mr. Shigley asked if there was any discussion on the motion. Mr. Young stated that he felt that they should at least hear the information from Mr. Olson and then if the Board is not ready to take action, they can table the issue at that time. Mr. Adams stated that he would go along with this. Mr. Adams withdrew his motion.

Mr. Young made a motion to approve the agenda as submitted. Ms. Carcone supported the motion.

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

Motion approved

7. ANNOUNCEMENTS AND COMMUNICATIONS

Mr. Shigley noted that he put the Bar Journal in everybody's mailboxes. He stated that on page 14 through 18 it talks about Local 52.

Mr. Shigley stated that next week the Board of Review will begin. The schedule is as follows:

- Tuesday, March 2	9:00 AM to 12:00 Noon	1:00 PM to 5:00 PM
- Saturday, March 6	9:00 AM to 1:00 PM	
- Monday, March 8	12:00 Noon to 6:00 PM	
- Thursday, March 11	6:00 PM to 9:00 PM	

Ms. Carcone stated that they did get another Grant for \$200,000 for the bike trail. This grant is going to improve the bike trail in the Township park. The trail will be resurfaced and made wider. She thanked Mr. Doozan for helping with acquiring the Grant.

8. PUBLIC HEARING ON PROPOSED WOODWIND WELL IMPROVEMENTS SPECIAL ASSESSMENT DISTRICT

Ms. Carcone made a motion to close the regular meeting and open the public hearing for the Proposed Woodwind Well Improvements Special Assessment District. Ms. Johnson supported the motion.

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

Motion approved. The public hearing was opened at 7:15 PM.

Mr. Quinn explained that this project consists of the installation of two pumps at the Woodwind well location that will put out 2,000 gallons per minute each into two existing 16" diameter wells located on the site. This also includes iron removal for 2,000 gallons per minute of water, the standby emergency power generator and all necessary mechanical and electrical equipment all contained within a suitable structure, the well house. The projected cost of the project is \$2,100,000.

The petitioners are the property owners of the Woodwind Planned Development and the Kirkway Planned Development. The purpose of this hearing is for any member of the district to ask questions concerning the sufficiency of the petitions and the necessity of the improvements. He stated that later in the agenda the Board will be able to consider the first resolution and then be setting a date at the April meeting for the hearing on the special assessment roll. He further explained what is involved in this.

Mr. Shigley asked if there were any public comments.

Margie Stephan, 52650 Nine Mile Road, stated that it is her understanding that the water is going to be coming down Nine Mile Road. She questioned where and how the water is coming from in order to go down Nine Mile Road. Mr. Quinn responded that the developers in that area are doing this themselves and he believed that they have already acquired the necessary easements

from the property owners that will be involved.

There were no other comments. Mr. Shigley then closed it to the public.

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

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

Motion approved. The public hearing was closed at 7:21 PM.

9. UNFINISHED BUSINESS

a. Resolution to Determining Sufficiency of Petitions and Necessity of Improvements and Designating Special Assessment District for Woodwind Well System Special Assessment District

Mr. Quinn explained that this resolution is for the Board's consideration. The petitions that the Board have seen are signed by the two property owners, Woodwind and Kirkway. He stated that the necessity of the district is that it is creating a well system for wells to be supplied to the residents of the Township. The current owner of the well has informed the Township that the well will be donated to the Township. He stated that it will become part of the Township's municipal system and will be used to loop that well system into the other water systems that are throughout the Township. He noted that this will be a definite benefit to the Township when it is completed.

Mr. Quinn stated that this may come back to the Board before there is a hearing to confirm the roll, if there are changes to the projected cost of the project due to the district being expanded to bring the water down Ten Mile Road. He stated that if nothing changes, this would continue as it is.

Mr. Cash made a motion to adopt the Resolution Determining Sufficiency of Petitions and Necessity of Improvements and Designating 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: Cash, Carcone, Johnson, Adams, Shigley, Young
 Nays: None
 Absent: Bisio

Motion approved.

b. Resolution Setting Hearing Date on Special Assessment Roll for the Woodwind Well System Special Assessment District

Mr. Quinn explained that this sets the public hearing for the next regular Board meeting of April 5, 2004. The public hearing will be held at 7:00 PM. This will establish the roll and allow the participants to voice their objections.

Mr. Young made a motion to adopt the Resolution Setting Hearing Date on Special Assessment Roll for the Woodwind Well System Special Assessment District. 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: Young, Adams, Carcone, Shigley, Cash, Johnson
 Nays: None
 Absent: Bisio

Motion approved.

c. HMSA Report on Lyon Township Fire Department

Mr. Olson stated that in the Board's packet they received his response to Mike Martindale of the Detroit News. He noted that he attached a copy of the HMSA Report to his response. The HMSA Report was given to the Board on July 7, 2003 for their review. He briefly summarized the HMSA report for the public.

Mr. Shigley thanked Mr. Olson for the report. He stated that he received several letters from Firefighters. He then brought his concerns to the Board and the process began. He stated that what he has heard tonight from Mr. Olson, the process has been very successful. He stated that he has not received any additional letter or complaints from the Firefighters.

Mr. Adams stated that he felt that first of all, this had nothing to do with Firefighters. It had everything to do with the management because that is the letters that they were receiving. He stated that five members of the Firefighters wrote letters to members of the Board. He stated that if they did not act on them, the Board would be negligent. He stated that this is being turned around to indicate that the Board is the ones against the Fire Department. He stated that this is not true. He stated that they have had a lot of bad publicity in the Township. He stated that this is why by a majority vote of the Board, they voted to have a neutral party come in. He stated that they accepted the report and will live by the report. He stated that they will take action on the issues that were brought up in the report. He stated that he is satisfied with the report and all of the recommendations that were made.

Mr. Adams stated that he has been impressed with the Fire Department over the past year. There was no bad publicity. He stated that a lot of things that the Firefighters have done have been good for the community. He stated that if the Board receives any letters that there are problems with the management, they will be acted on. He stated that it is not the Board that is after the management, it was the Firefighters who provided the letters to the Board, which they acted on.

Ms. Carcone stated that she finds it absolutely amazing, being on the Board for 13 years, and has never received any of the five letters. She stated that it was amazing that only Joe Shigley, Steve Adams and Ray Bisio received the letters. Mr. Adams stated that this is not true, that Mr. Olson received the letters also. Mr. Olson stated that he only received copies of the letters.

Ms. Carcone stated that she feels that the Lyon Township Fire Department is a great department. She stated that she has never seen the firefighters more happy or get better. She stated that she has the utmost respect for the firefighters and that they could come and save her anytime. She stated that she is very proud of the firefighters. Ms. Johnson stated that she concurs 100%.

Mr. Young stated that he was in favor of getting an outside firm to vindicate the Fire Department, but felt that they really did not need vindication. He stated that there were some member of the Board that felt that they did. He stated that they decided to spend the \$10,000 for the outside firm. Mr. Olson noted that they only spend \$5,000. He briefly discussed the Fire Board option. He noted that he is still very much opposed to electing a Fire Board and feels that this report indicates

this completely. He stated that he feels that this document totally vindicates any position of the administration of the Fire Department.

Mr. Cash stated that the problem that they had was that certain firefighters would go to certain Board members with complaints. He stated that he does not have a problem with this. The problem that he has is that these certain Board members never sat down with Chief Cash to address the concerns. He stated that they would rather listen to people who have only been on the department for six months and take their opinion as the truth and never sit down with the Chief.

Mr. Cash stated that he spoke with Amy Lee of the Detroit News who indicated to him that she was supplied with three names to contact for articles in the news. He stated that he offered her the whole roster and suggested that she contact all the members to get opinions from everyone on how the department is run. He stated that they only just have the opinion of a few rather than everyone. He stated that in the future if the firefighters come to the Board, he felt that they need

to

sit down with the Chief and get his half of the story.

Mr. Cash asked Mr. Shigley if he has ever sat down with the Chief to discuss his concerns. Mr. Shigley responded that he has talked with Chief and has asked him to come into his office to discuss things. He noted that any letter that he has received from the firefighters has been turned over to Chris Olson.

Mr. Olson stated that the letters were provided as part of the study so that they could be examined for conflicts as well. He noted that most of the letters were anonymous and some of them were profane.

Mark Theisen, 59517 Sundridge, stated that he has been a proud firefighter for the Lyon Township Fire Department for the past four years. He stated that he is also the President of the Lyon Township Firefighter's Association and the 2003 Firefighter of the Year. He stated that he is not here to tell them what they already know, but to tell them what they don't know or it seems that they don't know. He stated that he joined the Fire Department when he graduated High School and turned eighteen. He stated that he has never been part of an organization that has strived so much and done so many things in just a few years. He stated that he considers the firefighters not only his friends but his family. He discussed some of the various activities and fund raisers that the firefighters are involved in each year. He noted that more than 90% of the firefighters participate in these events. He noted that there are former members of the department that show up at some of these activities.

Mr. Theisen stated that he would like to extend an invitation to the three Board members who have never stopped into either one of the stations. He stated that the invitation is open to all the residents of the Township as well. Their doors are always open.

Mr. Theisen stated that he would like to extend his services to the cowardly newsletter, CINS. He stated that if the facts were all true and not biased, there would be some names on it to contact with questions.

Don Collick, 28425 Pontiac Trail, stated that he is one of the Sergeants of the Fire Department who has gone through Officer II back in March, 2003. He stated that the five members who left the department, left on their own, they were not forced out. He stated that there is an open door policy and that he has the utmost respect for the Chief and the Assistant Chief. He stated that

they

need to stop bringing out the dirty laundry. It is over and they are tired of hearing it. He stated that the CINS Newsletter is constantly bashing the Fire Department. He stated that there is not a problem with the department, the problem is with certain residents and certain Board members.

Robert Smith, 21845 Lyon Meadow Court, stated that he would like to thank Chris Olson for the comments provided in his letter, which was sent to the Detroit News. He stated that they all support what Mr. Olson said completely. He stated that many of the firefighters responded to the Detroit News directly and just like everything in the Township, not one of them has received a call back. He stated that he, personally, has never received a call from any member of the Board asking him what his feelings are. He stated that he is obviously more mature than the five members who did not sign their letters. He stated that he signed his letter everytime that he sent one and he never received a phone call. He read into record his letter to Mike Martindale, Detroit News, in response to an article that Mr. Martindale wrote wrote. A copy of this is on file at the Township Hall.

Dave Talaga, 25001 Douglas Drive, stated that in reference to the report, it has been months since he reviewed a copy of it, when they walked into the meeting with the survey group and answered questions, they were all unprepared as to know what was going to be asked. He stated that in front of the survey group were published, photocopies, yellow high-lighted news articles, letters from the Free Press and the News all prepared and handed to the survey group in a packet. He stated that they asked where the survey group got the letters, etc., and were told that they got them from the Board members. He stated that he does not consider this fair that they walked into something that they were unprepared for. He further discussed how they felt when they went into the interviews.

Mr. Talaga stated that just like what has already been said, those who did not want to remain on department, left. He noted that they are not under contract and could leave at any time. He briefly discussed the chain of command that should be used when a problem arises.

Mr. Talaga stated that the anonymous letters are null and void as far as he is concerned and felt that they should not have gone up to the survey. He stated that these letters did not have a name on them, therefore, as a tax payer, he felt that the \$5,000 should not have been spent.

Mr. Shigley stated that when he handed his files over to Mr. Olson, he asked to come and meet with the firefighters. He indicated that he was told not to.

Dennis Timmerman, 59163 Albert Lane, stated that he is a sergeant with the Lyon Township Fire Department. He read into record an e-mail that he sent to Mike Martindale, Detroit News, in response to an article that Mr. Martindale wrote. A copy of this e-mail is on file at the Township Hall.

Don Collick, 28425 Pontiac Trail, stated that a couple years ago he was working at the station on Ten Mile Road when all this came to light. He stated that Robin Allen and Harold Grove came to the station and introduced themselves as new members of the area and wanted to check out the new station. He stated that they also wanted to know about the fire department. He stated that he feels that this was kind of cowardly. He stated that he did contact a superior to find out who these gentlemen were. He stated that he feels that the CINS Newsletter needs to back off the management and the whole department. He stated that they should let the Fire Department and the firefighters deal with the issues. He stated that they don't have a problem with their management.

Donald Cogar, Sergeant, Lyon Township Fire Department, stated that he has been with the Lyon Township Fire Department for fifteen years. He stated that they spend more time with their brothers and sisters firefighters than they do with their own families. He stated that he has seen the area grow over the past few years. He stated that Chief Cash, throughout the years, has been very good to him. He noted that when he got out of line, Chief Cash was there to put him back in line. He stated that right or wrong, the Chief is always there for the firefighters. He stated that he respects the Chief and noted that he has been a great Chief throughout the years.

Paul Stoll, 155 Manistee, stated that he was working the day that Robin Allen and Harold Grove visited the station and was subjected to about 20 minutes of questions uncomfortably. He stated that Chief Cash and Assistant Chief Dan Cash have his complete loyalty.

Andrew Laprise, 9954 Mulberry, stated that he also is behind the Fire Department leaders. He noted that back in 2001 and 2002 he could not have come up here and said this because he was a follower back then. He stated that he followed a lot of officers and believed everything that they said, and noted that they are no longer with the department. He stated that he is actually embarrassed to say that he followed them. He read into record the e-mail that he sent to Mark Martindale, Detroit News, in response to an article that Mr. Martindale wrote. A copy of this e-mail is on file at the Township Hall.

Mr. Adams stated that as clarification, they were no all unsigned letters. He stated that there were five signed letters from firefighters who said that they have a problem. He stated that with regard to the CINS Newsletter it is no concern of this Township, it is done by private citizens and under the first amendment they have the right to speak and give their opinions.

Ms. Carcone asked Mr. Olson if there were five letters that were signed. Mr. Olson responded that he has a slew of unsigned letters but that he does not have five signed letters.

Mr. Adams stated that there are signed letters. He stated that the firefighters quit for a reason. He stated that they wrote the Board letters indicating that there were problems. He stated that if in the future, one of the firefighters had a problem and wrote a letter and the Board did not act upon the letter, it would be wrong.

Mr. Cash noted that the five people who quit did not participate in the HMSA Study even though they personally received a call from Mr. Adams. Mr. Adams stated that he did not call any of the former firefighters. Mr. Cash noted that the day of the meeting when the former firefighters were supposed to come into the Township, Mr. Adams was here to greet them.

Tim Blackwood, 58800 Grand River, Fire Inspector, briefly discussed the procedure in the Fire Department when there is a problem. He stated that if there are letters about concerns, then it should be addressed within management. He stated that there is a chain of command for a reason and it should be addressed that way. He stated that as far as the individuals who left, the department is better off without them.

Mr. Adams stated that he felt that they should not continue this. Mr. Blackwood stated that he is entitled to express his comments not only as a tax payer, but also as a firefighter who protects the Township residents. Mr. Adams stated that the people that Mr. Blackwood is discussing are not here to defend themselves, and felt that they should not let him continue with his comments. Mr. Shigley called the meeting back to order and thanked Mr. Blackwood for his comments, but did not let him continue because of all the cross-talk that was going on.

Ms. Carcone asked Mr. Blackwood how is father is doing. Mr. Blackwood responded that his father had a heart attack on Thursday and noted that the firefighters were able to take care of him. Mr. Adams asked where they were when he had his heart attack. Mr. Blackwood responded that Mr. Adams never called them.

Mr. Laprise stated that he needs to add something that is very important. He stated that there are certain members on the Board who say that they support the firefighters. He stated that they were on a particular run, details which he did not get into, which involved one of the Board members. He stated that this particular Board member did not only disrespect them, but would not allow

them to put their hands on him. He stated that this is a Board member who has sat here and says that he supports the firefighters. He stated that he does not feel that this is supporting. He felt that this particular Board member did not trust the department and did not let them do their jobs properly.

d. Second Reading and Proposed Adoption of Ordinance Regulating Cost Recovery regarding Under Influence and Drunk Drivers and Fee Schedule

Mr. Quinn stated that this is the emergency response cost recovery based upon the recommendations from Sgt. Jeff Crockett certain modifications were made. He noted that they also increased the time for the Clerk from ten days to thirty days to send out the billing. He stated that with those modifications this ordinance is ready for its final adoption. He stated that after this is accomplished, he asked that the Board adopt the fee schedule that has been prepared by Sgt. Crockett. He stated that this is the basis on which the cost recovery will move forward.

Ms. Johnson questioned if there should be a fee schedule for the Fire Department. Mr. Quinn responded that there should be. He noted that there is a fee schedule that has already been approved for the Fire Department. Ms. Johnson noted that it is an older schedule. Mr. Quinn stated that they can look at the schedule and update it.

Mr. Young made a motion to adopt the Ordinance Regulating Cost Recovery as the second reading with the language provided. Mr. Adams supported the motion.

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

Mr. Cash questioned if they are going to send out two separate bills, one for Police and one for Fire. Ms. Johnson noted that Fire is not on this, it is only for impaired from the Sheriff's office.

Mr. Shigley asked if there were any public comments.

Darcy Hollon, 24300 Martindale Road, stated that she feels that this is a great idea. She questioned where the money would go. Ms. Johnson responded that the money would go into the Township's general fund and can be used for whatever the Township needs.

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

Motion approved.

Ms. Carcone made a motion to adopt by resolution the fee schedule as submitted for the DWI/OUIL cost recovery. Mr. Cash supported the motion.

Mr. Shigley asked if there is any comments regarding the motion by the Board. Mr. Shigley asked what date this resolution would have on it. Mr. Quinn responded that it will be dated as of today.

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

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

Motion approved.

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

Mr. Quinn noted that at the last meeting this item was tabled until tonight's meeting. He stated that within this last month Mr. Langan's Attorney, Susan Saddler, has provided follow-up documentation to his office. He stated that this documentation was then forwarded onto Mr. Doozan, who was asked to look back at the criteria that was used to adopt the exemption on February 4, 2002.

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated February 27, 2004.

Mr. Quinn stated that the purpose of Mr. Doozan going back and looking at the criteria was to see how other parcels were treated. He stated that the direction that they are looking for tonight is that for the Board to adopt Mr. Doozan's letter so that they may begin the process of amending the ordinance to bring in the two parcels that Mr. Doozan has identified. He stated that they will be working with Mr. Langan and his Attorney to finalize a consent judgement on the matter that is pending in Circuit Court. He noted that there is also a misdemeanor matter pending in the District Court. He stated that with this agreement Mr. Langan will be replacing some trees on the Nine Mile site, Parcel 21-27-400-001. He stated that they will agree as to where the trees will be placed. He noted that some of the trees will be placed along the Woody Lane border and others will be placed to shelter some of the houses along the west side of the property. He noted that Mr. Langan will be replacing 36 trees over the next few years at other locations within the Township.

Mr. Adams asked Mr. Langan if he was in agreement with this. Mr. Langan responded that he is.

Mr. Young stated that if there is a consent judgement pending and if this letter were adopted in the form of a resolution, how will it impact the Nine Mile Road parcel. Mr. Quinn responded that the consent judgement prohibits him temporarily from disturbing any trees there. He stated that if this parcel was placed under the tree ordinance, the trees that will be replaced could not be touched. He stated that they would be able to continue farming the high grounds, which would be about 50% of the overall parcel.

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

Mr. Adams made a motion to adopt the Tree Protection Ordinance #46A-95 and #46B-02 as outlined in the recommendations of the McKenna Associates, Inc. letter dated February 27, 2004. Ms. Carcone supported the motion.

Mr. Shigley asked if there were any comments regarding the motion by the Board. Mr. Young stated that the unfortunate part is that the motion includes the entire document. He stated that there is a portion of this that he agrees with and a portion of this that he does not agree with. He stated that it is his understand that the motion was to adopt this as presented. Mr. Adams responded that this is correct. He stated that he would be inclined to look at the Eight Mile Road piece because it has been farmed but feels that the Nine Mile Road piece is strictly a guise.

Mr. Olson stated that the effect of the motion would also be to preserve the north 40 acres. He questioned if this is the intention. Mr. Adams responded that it is. He noted that he did refer to McKenna Associates, Inc. letter in his motion.

Ms. Carcone stated that the Assessors Office of Oakland County did an assessment of all the farm land in the County. She noted that there was a form that was sent to all farm owners that had to

then be completed and returned in order to maintain farmland status. If the form was not returned, the parcel was deleted.

Mr. Shigley asked if there were any public comments.

Bill Erwin, Erwin Orchards, stated that he feels that Ms. Carcone answered his question. He stated that he just wants to make sure that this ordinance doesn't change anything that would mess up his 600 apple trees.

Virginia Brewington, 55415 Woody Lane, stated that it is her understanding that Oakland County sent people out to look at the land to determine if it is farmland. She stated that it is her understanding that letters went out and some were not returned. She stated that if she is reading this correctly, farmers must derive 50% of their income from the land. She questioned if this is being done. She stated that if this is not true, then she is against the amendment.

Carol Palmer, 55535 Woody Lane, stated that she would like to encourage the Board to support the part of the farmland that is farmable land and to leave the wetlands alone. She stated that a lot of the parcel on Nine Mile Road is not farmable and would like this land left alone.

Michael Buck, 55221 Nine Mile Road, questioned if farming is for grain crops or if he could put a herd of sheep in there and consider it farming. Mr. Doozan responded that farming includes either of these activities.

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

Motion approved.

f. Second Reading and Proposed Adoption of Ordinance regarding Banquet Hall, Amendment to User Connection Schedule

Mr. Quinn explained that the previous schedule did not include banquet halls. The purpose of this ordinance is to bring the Township's ordinance in line with the County user connection schedule. He noted that this is the second reading.

Mr. Cash made a motion to adopt the Banquet Hall Amendment to the User Connection Schedule. Ms. Johnson supported the motion.

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

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

Motion approved.

g. Resolution regarding Amended Utility Fees for Sewer and Water

Leslie Boisvenu, Giffels-Webster, gave a power point presentation of the revisions to the Utility Fee Ordinance that they are proposing. She explained the major revisions to the ordinance. She explained the basis for the increase in the water main capital charges and the establishment of a

water main lateral benefit charge. She noted that the ordinance no longer has separate costs for indirect and direct connections. The establishment of a lateral benefit charge makes the separate costs unnecessary.

There was general Board discussion with regard to the fee schedule and the presentation given by Ms. Boisvenu.

Mr. Young stated that he is going to put some of the developers on the spot. He stated that a developer is going to come into the Township and build homes and probably add these costs onto the price of the homes. He asked the developers in the audience if they see anything in these fees that would be a deal killer. He stated that the Township is trying to be as fair as they can.

Frank DiDario, Curtis Builders, briefly discussed the SAD that they will be participating in as part of the Woodwind Planned Development. He stated that if a developer is going to make infrastructure improvements to actual facilities and not necessarily putting pipe in the ground, then this is not a typical SAD. He stated that in this instance with Mr. Harris, they are doing exactly that and they are donating the system to the Township. He stated that they will be coming before the Board to ask that they be exempt from the \$1,800 capital charge, if it is passed tonight.

Mr. Olson stated that he felt that Frank's comments were a little premature. He stated that they will have some discussions on this at a later time.

Ms. Carcone moved by resolution to adopt the amending utility fee schedule dated March 1, 2004. This is the second reading. Mr. Cash supported the motion.

Mr. Quinn stated that a resolution takes a unanimous vote of yes or no. There is no first or second reading.

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.

Margie Stephan, 52650 Nine Mile Road, stated that is she has property that is 600' x 1,200', she questioned if she is going to be given 90' or 100'. Ms. Boisvenu stated that regardless of the size, if this is residential property, the fee would be \$4,500.00.

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

Motion approved.

h. Second Reading and Proposed Adoption of Ordinance Regulating Floodway District, Flood Hazard Areas and Wetlands

Mr. Quinn explained that this ordinance was requested by the Engineers. There was a first reading at the last Board meeting. He stated that the Engineers requested some time to recommend some changes, specifically to delete references to wetlands. He noted that all of those references have been deleted. He stated that the reason for this is that Mr. Doozan plans on bringing to the Board a draft of the Wetlands Ordinance at the April meeting for consideration.

Ms. Boisvenu stated that the objective of the ordinance is to protect the flood plains of the Township, which include the floodways, watercourses and hazard areas. She reviewed the comments indicated in a letter dated March 1, 2004 from Ms. Boisvenu to Chris Olson.

Mr. Shigley questioned if the people who live in these areas would be subject to flood insurance. Ms. Boisvenu responded that she did not know. She stated that it is her understanding that Lyon Township does not have an official flood plain by FEMA. She stated that she is not sure if there would be a flood insurance requirement. She stated that Giffels-Webster has done a flood water master plan and the flood plains would be based on this.

Mr. Shigley asked if there would be any reduction of property value because of this. Ms. Boisvenu responded that it would depend on the significance of the flood plain in that area.

Mr. Shigley questioned if there is some way that they could indicate in either the ordinance or the master plan that the Township's goals are to try and reduce the flooding. Mr. Olson briefly discussed the drains.

Mr. Shigley questioned who would monitor this. Ms. Boisvenu responded that it is her understanding that the monitoring would be done by the Building Department. Mr. Doozan noted that they will be looking at new plans and will notify Giffels-Webster that they need to look at the plans also.

Mr. Shigley questioned how this would affect the Elkow development. Mr. Doozan responded that there are about 14 or 15 lots that will go away because they are in the flood plain.

Mr. Young stated that he feels that this is absolutely needed for new development and that they should have done this long ago. He felt that this could preclude existing homes from expanding. Mr. Quinn stated that this really does not prohibit anyone from constructing in the flood plain, it provides the standards for constructing in the flood plain. He stated that if they are going to require any fill in the flood plain then they have to take it off someplace else.

Ms. Carcone made a motion to approve the second reading and proposed adoption of the ordinance regulating floodway districts and flood hazard areas and wetlands. Mr. Cash supported the motion.

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

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

Motion approved.

10. NEW BUSINESS

a. Approval Request of Woodwind Glen Condominiums, first phase of Woodwind PD

Mr. Doozan reviewed the information indicated in the February 13, 2004 McKenna Associates, Inc. letter regarding this issue.

Ms. Carcone questioned the cost of the condominiums. Frank DiDario, Curtis Homes, responded that they will be in the mid-\$250,000 range. He noted that these are very nice large units.

Mr. Cash made a motion to approve AP-04-02, Woodwind Glen Condominium, the first phase of the Woodwind Planned Development. 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: Carcone, Adams, Shigley, Young, Johnson, Cash
 Nays: None
 Absent: Bisio

Motion approved.

b. Rezoning Request from BMB Ventures, Inc. of 1.436 acres from R-0.3, Single Family Dwelling, to O-1, Office District

Mr. Doozan reviewed the comments indicated in the February 18, 2004 McKenna Associates, Inc. letter regarding this issue.

Mr. Cash made a motion to approve the rezoning of 1.436 acres from R-0.3, Single Family Residential District to O-1, Office District. Mr. Adams supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. Mr. Young questioned if they should reference the parcel number in the motion. Mr. Quinn responded that they should reference the AP-03-31 and, according to this application, this is part of Parcel 21-04-126-009. Bob Langan stated that since the split there has been a new parcel number issued. Mr. Quinn stated that the motion should mention that this is part of the former Parcel 21-04-126-009.

Mr. Cash amended his motion to reflect this information. Ms. Johnson supported the motion.

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

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

Motion approved.

c. Resolution Concerning U.S. Postal Service Zip Code Identification for Lyon Township

Mr. Quinn explained that Trustee Cash had asked that he put together this resolution with the help of the Township Clerk and Chris Doozan and then present it to the Board.

Mr. Cash stated that during his last term this issue was discussed. He noted that it was even discussed with Joe Knollenberg. He stated that he contacted Thaddeus McCotter's office and spoke with Bill Bullard, who indicated that this can be done, but wanted this as a resolution from the Board of Trustees. He stated that he spoke with the Supervisor of Commerce Township who had the same situation that Lyon Township has. He stated that he was told that Commerce Township got the Post Office to recognize Commerce Township as part of the four zip codes that they have.

Mr. Cash stated that the zip code will not change. By changing New Hudson to Lyon Township and keeping the 48165, they really are not changing anything. He felt that if they could get New Hudson changed to Lyon Township it would go hand-in-hand with the new Post Office. He stated that the numbers would stay the same, the Post Office would stay the same and the carrier would stay the same, they would just recognize Lyon Township.

There was further discussion with regard to this. Mr. Shigley felt that they should get feedback from the residents on this issue. The Board concurred. It was determined that this issue should be tabled

to allow time to post this information on the Township web site and post it on the Township community cable station.

Mr. Shigley asked if there were any public comments regarding this issue.

Les Cash, Fire Chief, stated that he is tempted to use Lyon Township on his mail right now to see what will happen. Mr. Dan Cash stated that it would still go through because of the zip code.

Mr. Young made a motion to have Rose post this information on the Township's web site for feedback from the residents and that this issue be tabled until the June, 2004 meeting. 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.

Margie Stephan, 52650 Nine Mile Road, questioned if the Board could also do a mailing because she does not have a computer and does not have cable.

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

Motion approved.

d. 911 Cell Phone Calls – Desire to have Oakland County Sheriff Receive

Mr. Shigley noted that everyone should have received a copy of a letter from Sgt. Jeff Crockett regarding the 911 cell phone calls.

Chief Cash briefly discussed where the wired 911 calls are forwarded to. He noted that they are sent to Novi. Sgt. Crockett stated that this is correct. He stated that the wireless 911 calls have gone to the State since 1992 and the State is getting out of the business. He stated that the State has gone to the local jurisdictions and told them that they need to come up with a carrier for 911 wireless. He discussed how the wireless towers can be programmed to direct the 911 cell calls to the area that they designate. He stated that his department is willing to take care of this.

After further discussion, it was determined that the Board would like more information regarding this new program. Sgt. Crockett stated that he would arrange for someone to come to the next Board meeting to explain this new program.

Mr. Young made a motion table this issue for more information to be provided to the Board. 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
 Absent: Bisio

Motion approved.

e. Discussion of Mid Decade Census

Mr. Shigley requested that this be added to the agenda. He asked the Board if they would like to pursue this. He noted that this may take awhile to set up, that is why he brought it to the Board tonight. There was brief discussion. It was determined that Mr. Shigley and Mr. Olson would look into this to see what is involved and then report back to the Board at the next meeting.

f. Proposed Pay Levels of Staff

Mr. Olson explained that there was a memo on the table tonight for the Board members. He stated that the memo indicates that the Recording Secretary has requested an increase in the per meeting fee. He noted that the Recording Secretary has requested a 10% increase, which would bring the per meeting fee to \$137.50. After discussion, he indicated that the Recording Secretary has agreed to \$135.00 per meeting. Mr. Olson stated that he would like to keep this in round figures. Mr. Adams stated that she should have went to \$140.00 per meeting. Mr. Olson noted that they have been having more meetings and some of them have been going longer. He briefly discussed the budget for the Board, Planning Commission and Zoning Board of Appeals and noted that the increase of \$640.00 would be covered in the budget.

Mr. Adams made a motion to increase Deby Cothery's per meeting fee from \$125.00 to \$135.00. Ms. Carcone 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.

Ms. Cothery questioned if the increase is going to be made retroactive to January 1, 2004, which was recommended by Mr. Olson. Ms. Johnson stated that she is not sure that they can do this. Mr. Quinn stated that Ms. Cothery is not an employee, she is a contractor, therefore, this can be done.

Mr. Adams amended his motion to indicate that the increase shall be retroactive to January 1, 2004. Ms. Carcone supported the amendment.

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

Motion approved.

Mr. Olson stated that they have received notice from the Township Planners that their fee will increase 2.6%. He stated that this is not something that the Board has to vote on, it is included in their contract. He noted that when the contract comes up in May for Earth-Tech, they will be seeing the same contractually-set inflationary increase.

Mr. Olson displayed an overhead showing a comparison of how Lyon Township salaries compare to other surrounding municipalities (South Lyon, Milford Township, Milford Village, Walled Lake and Wixom). He reviewed and discussed the figures indicated. He stated that last year the Board approved a 1.2% inflationary increase. This year the Social Security index went up 2.1%. He noted that there are dollars available in the General Fund and the Building Fund.

Mr. Young questioned what type of action Mr. Olson is looking for from the Board tonight. Mr. Olson responded that he felt that it is important that he proceeds with his presentation so that the Board has the necessary information they need in order to take action, should they deem necessary. He noted that he does still want to get salary information from Green Oak Township and Brighton Township for comparison. He asked that the Board continue with the inflationary adjustment again this year.

Mr. Young questioned if every position were to get the 2.1% increase, how much money would that entail. Mr. Olson responded that for just the full-time positions, not including the Fire Department positions or part-time office staff, it would total approximately \$10,726.00. He noted that this would be allocated out of the \$10,000 in the Building Fund and the \$50,000 in the General Fund.

Mr. Olson stated that Lyon Township is roughly in the middle with their pay scale out of 31 communities, some near and some far. He stated that he thought that Lyon Township was closer to market than what they really are.

Ms. Carcone stated that our Township in value overall went up somewhere between 5% and 6%. She stated that the multiplying factor on the tax rate is 2.3%. She stated that no matter what, the taxes are going up 2.3%.

After further discussion, Mr. Olson asked the Board to approve a 2.1% salary increase.

Mr. Adams stated that he is not against raises, but is very uncomfortable with the method that this was presented.

Mr. Young stated that they know that the Township cannot pay top rate and that they know that based on the information there are some inequities. He stated that what they want to do, at least from a cost of living perspective, is keep the people where they are and then they can look at the individual salaries when the Township can afford to do so. Mr. Adams stated that he has no problem with this.

Mr. Young made a motion to approve a 2.1% Social Security Index salary increase for the Township staff for the year 2004. Mr. Cash supported the motion.

Mr. Shigley asked if there were any comments from the Board regarding the motion. Mr. Shigley asked Mr. Quinn if this would affect elected officials or do they have to be voted on separately. Mr. Quinn responded that they should separate them out. The first motion should be all non-elected officials. He stated that the non-elected officials would include everybody on page 1 and page 2 and the firefighters.

Mr. Adams stated that they are a member short. He stated that he finds this unfair that Mr. Bisio is not here to express his opinions and to vote.

Mr. Young amended his motion to grant a 2.1% pay increase to everyone indicated on pages 1 and 2 of the handout from Mr. Olson with the exception of any elected officials. Mr. Cash supported the amendment.

Mr. Young stated for clarification that the motion made is for the calendar year of 2004. Mr. Adams questioned if this would be retroactive. Mr. Young responded that it would be.

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

Motion approved.

Mr. Quinn stated that the next motion could be for the Trustees and the Elected Officials.

Mr. Young made a motion to approve by resolution a 2.1% Social Security Index salary increase for the Treasurer. Mr. Cash supported the motion.

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

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

Motion approved.

Mr. Young made a motion to approve by resolution a 2.1% Social Security Index salary increase for the Clerk effective January 1, 2004. Mr. Cash supported the motion.

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

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

Motion approved.

g. Election Commission – Appointment of 2 Trustees

Mr. Quinn stated that two Trustees are needed to sit on the Election Commission. He asked for volunteers. Mr. Adams and Mr. Cash volunteered.

Mr. Shigley made a motion to nominate Steve Adams and Dan Cash to the Election Commission. Mr. Young supported the motion.

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

James Huffman questioned what the Election Commission does. Mr. Shigley responded that they run the entire election. Mr. Huffman questioned if they had one last year. Ms. Johnson responded that they did.

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

Motion approved.

h. Introduction of Property Facility Transfer Agreement

Mr. Quinn explained that after extensive negotiations with Park Place they are at the stage of entering into the second amended sewage disposal facility agreement which will transfer the ownership of the facility and the land upon which the facility sits to the Township. He stated that all they are doing tonight is just introducing this to the Board and giving them a month to look at it. He stated that if all the documentation is completed by the April meeting, it will be included in the Board's packets for adoption.

Mr. Quinn stated that if during the next 30 days any of the Board members have any comments or concerns, he would appreciate if they would contact himself or Loren Crandell so that they

can get as many of those questions or concerns answered before the April meeting.

There was no action taken by the Board on this issue tonight.

- 11. **ITEMS REMOVED FROM CONSENT AGENDA FOR ACTION OR DISCUSSION** **NONE**
- 12. **MISCELLANEOUS DISCUSSION** **NONE**
- 13. **ADJOURNMENT**

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

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

Motion approved. The regular meeting was adjourned at 11:21 AM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary

Pamela Johnson
Clerk