

**CHARTER TOWNSHIP OF LYON  
BOARD OF TRUSTEES  
MEETING MINUTES  
September 7, 2004**

Approved as submitted October 4, 2004.

DATE: September 7, 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  
Ray Bisio, Trustee  
Dan Cash, Trustee  
Lannie Young, Trustee

Absent: Steven Adams, Trustee (vacation)

Also Present: Matt Quinn, Township Attorney  
Chris Olson, Township Superintendent  
Chris Doozan, Township Planner  
Leslie Boisvenu, Township Engineer  
Loren Crandell, Township Engineer  
Larry Phillips, Building Official

Guests: 28

4. **APPROVAL OF THE CONSENT AGENDA**

- Approval of Regular Meeting Minutes of August 9, 2004
- Approval of Disbursements
- Financial Report for July, 2004
- Fire Department Monthly Report
- Fire Department Roster
- Engineer Monthly Report
- Earth Tech WWTP Operations Report
- Zoning Officer Report
- Sheriff Department Monthly Report
- Building Department Monthly Report

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

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

Motion approved.

**5. CALL TO THE PUBLIC ON NON-AGENDA ITEMS NONE**

**6. APPROVAL OF AGENDA**

Mr. Shigley noted that the numbering system on the agenda is incorrect.

Mr. Quinn requested that the following issue be added to Unfinished Business:  
- GRS Discussion

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

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

Motion approved.

**7. ANNOUNCEMENTS AND COMMUNICATIONS**

- a. E-mail Memo from Christina Bush, MDCH
- b. Update from HAVEN
- c. Reminder that taxes are due September 14, 2004

**8. Public Hearing for Belladonna Drive Sanitary Sewer Improvements Special Assessment District (continued from August 9th Board meeting)**

Ms. Carcone made a motion to close the regular meeting and open the public hearing for the Belladonna Drive Sanitary Sewer Improvements Special Assessment District and the public hearing for the Martindale Road Water Main and Road Improvement Special Assessment District. Ms. Johnson supported the motion.

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

Motion approved.

The regular meeting was closed and the public hearings were opened at 7:05 PM.

Ms. Boisvenu gave a brief update on the Belladonna Drive Sanitary Sewer Improvements SAD. She stated that they held a public information meeting on August 26, 2004. She noted that eight of the thirteen residents attended the meeting. She briefly reviewed what was discussed at the meeting. She stated that at the end of the meeting she asked the attendees if they were in favor of the project or not. She stated that most of the attendees were unsure and that only one property owner indicated that they want to go through with the project.

Mr. Shigley questioned the location of the property owner that still wanted to go through with this project. Ms. Boisvenu responded that the property is located at the end of the street.

Mr. Shigley asked if there were any public comments.

Ronald Martin, 24965 Belladonna Drive, stated that when this was first brought to the attention of

the homeowners about 1-1/2 years ago, the cost of this project was \$12,000 for himself. He stated that since that time there have been a lot of additional figures and costs presented. He stated that he does not feel that he has all the information yet regarding the charges. He stated that he is up to \$49,000. He stated that this in order to pay this he would have to sell his home and then he would be homeless. He stated that he did vote for this project originally, but now is not in favor of it based on the information that he has received so far.

Mr. Shigley read an e-mail that Ms. Johnson received from Tony Okrum, Belladonna Drive, expressing his opposition to this project. It was noted that Ms. Carcone also received an e-mail from Mr. Okrum indicating that his neighbors, who could not attend the meeting, were opposed to this project.

Ted Davids, 25801 Belladonna Drive, stated that if the sewer plans do not go through and if Eleven Mile Road is going to be paved soon, would it be possible to run the lines across the road before the paving is done. He stated that boring, which is more expensive, would not have to be done.

Ed McKinley, 25650 Belladonna Drive, stated that they originally signed the petition for this project but since the information that they received at the meeting, they would only participate if everyone else was.

Mr. Shigley stated that since there are no more comments regarding the Belladonna Drive SAD, they will now move onto the Martindale Road Water Main SAD.

Mr. Quinn explained that the SAD hearing tonight is on the confirmation of the roll. The roll is being assessed against one property owner, Jeff Appel who owns Twin Pines Condominiums. The SAD is for \$1,167,640.00. He stated that once the public hearing is held they will take action on this issue under Unfinished Business.

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

Mr. Bisio made a motion to close the public hearing for the Belladonna Drive Sanitary Sewer Improvements Special Assessment District and the Martindale Road Water Main and Road Improvements Special Assessment District and open the regular meeting. Mr. Cash supported the motion.

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

Motion approved.

The public hearing was closed and the regular meeting was opened at 7:18 PM.

**9. UNFINISHED BUSINESS**

**a. Determination on Belladonna Drive Sanitary Sewer Special Assessment District.**

Ms. Boisvenu gave a final update on the results of how many property owners are in favor of this project. She stated that the only one she knows for sure is for the project is James Petty. She stated that he owns the 13 acre parcel.

Mr. Quinn stated that since this was adjourned from last meeting and the informational meeting was held, it would be safe to say that only one person has come forward, out of the twelve property owners, and said that they are definitely in favor of this project. Ms. Boisvenu stated that this is correct.

Mr. Quinn stated that it is now up to the Board. In front of the Board is the resolution that was tabled at the August meeting. He stated that the Board can consider the resolution or if it is the Board's opinion to terminate this SAD process, then a motion should be made to that effect.

Mr. Young stated that there is almost \$5,000 spent on the engineering of this project already. He stated that they should have a policy so that something like this won't happen in the future, whether it be a policy of the Township or a policy of Giffels-Webster. He stated that no work should be done or any costs incurred until there has been a public informational meeting.

Mr. Young made a motion to terminate the Belladonna Drive Sanitary Sewer Improvements Special Assessment District Resolution. Mr. Cash supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. Mr. Olson stated that they may want to consider collecting a deposit before any work is done on issues of this type. He noted that there is some work that needs to be done prior to an issue coming to the Board for consideration.

Mr. Shigley briefly discussed how some other communities handle the process for SAD's.

Mr. Shigley asked if there were any public comments.

Bob Roggendorf, 59300 Montego Drive, stated that comment was made by a resident that his assessment was \$12,000 to begin with and it is now up to \$49,000. He stated that no one has indicated where the discrepancy is coming from. He questioned why there is so much difference. Mr. Olson responded that actually there is only approximately a \$15,000 difference from the January, 2003 estimate to the June, 2004 estimate. Ms. Boisvenu stated that the original estimate was \$12,000, but the estimate has gone down to \$8,000. She stated that the actual assessment for the mainline sewer would be just over \$8,000. She noted that the resident is talking about the total cost, which would include capital charges and the running of the sewer from the house to the line.

Mr. Roggendorf stated that he feels that there should be more explanation by the Board when they are discussing issues like this so that the residents understand the issue.

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

Motion approved.

**b. Resolution Determining Sufficiency of Petitions and Necessity of Improvements and Designating Special Assessment District for Belladonna Drive Sanitary Sewer Improvements Special Assessment District**

There was no action taken because of the motion to terminate this issue.

**c. Resolution Confirming Martindale Road Water Main and Road Improvements Special Assessment Roll**

Mr. Quinn explained that it is his understanding that they are requesting that this final resolution confirming the roll be tabled until the next meeting so that the bids can be received during the next thirty days so that they will have an exact figure to assess against the one property.

Mr. Crandell clarified which parcel is being assessed for this. He stated that it is the parcel that is owned by Jeff Appel, Lyon Development, L.L.C.

Mr. Quinn stated that they will bring back an accurate figure at the next meeting.

Mr. Bisio made a motion to table the Martindale Road Water Main and Road Improvements  
Special Assessment Roll until the next meeting. 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.

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: Adams

Motion approved.

**d. Second Reading and Proposed Adoption of Normal Domestic Strength Waste Water and Pollution Limitations Amendment**

Mr. Quinn explained that this is the second reading of this ordinance. He stated that this was requested by the Engineers in order to update the pollution limitations for the Township's sanitary sewer and water system.

Mr. Shigley asked if there is any discussion from the Board regarding this issue. There was none.

Mr. Cash made a motion to approve the second reading and adoption of the Normal Domestic Strength Waste Water and Pollution Limitations Amendment. Mr. Bisio supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. Mr. Shigley questioned if this has any overlapping with the issue under New Business regarding Sodium Chloride. Ms. Boisvenu responded that this ordinance really changes the definition of the normal domestic strength waste water. She stated that it really applies more to the grease problem that the Township has encountered. She noted that it lowers the amount of grease allowed. She briefly reviewed the problems that they have encountered thus far.

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

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

Motion approved.

**e. Woodwind Well Special Assessment District Update and Possible Contract Award – Giffels-Webster Engineers**

Ms. Boisvenu updated the status of the Woodwind Well Special Assessment District. There was no formal action taken by the Board on this issue. She noted that Michigan Seamless Tube donated phosphorus capacity to Strawberry Lake to the Township in order for them to complete

the well. Ms. Carcone felt that the Board should send a letter to Michigan Seamless Tube thanking them for their donation. The Board concurred.

**f. West Pontiac Trail Sewer & Water Special Assessment Districts - Resolution**

Mr. Quinn stated that Mr. Crandell will explain this issue. He stated that this is two separate special assessment districts, one for the sewer portion being the construction and capital costs and the other for the water portion being the construction and the purchase of capacity. He noted that two motions would be required.

Mr. Crandell explained route for the water and the sewer projects to the Board. He stated that the cost of the water main project is \$1,998,553. He stated that this is the high number. He noted that they are currently in discussions with Multi-Building Company regarding this. He stated that Multi-Building Company would like to be the construction managers on this project.

Mr. Crandell stated that the sanitary sewer total special assessment is \$5,907,030. He stated that of this, \$1,491,455 is the sanitary sewer line. The remainder of \$4,415,575 is prepaid capital charges for Lyon Wastewater. There was further discussion with regard to the costs.

Ms. Johnson made a motion to approve the Resolution Setting Hearing Date for October 4, 2004 for the West Pontiac Trail Water System with construction costs of \$1,998,553, zero Township-at-large expense. Mr. Cash supported the motion.

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

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

Motion approved.

Ms. Carcone made a motion to approve the Resolution Setting Hearing Date for October 4, 2004 for the West Pontiac Trail Sewer System with a total cost of the SAD \$5,907,030, with \$1,491,455 goes for construction. This would be the total assessment for the district with zero Township-at-large expense. Mr. Cash supported the motion.

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

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

Motion approved.

**g. Revision Request for Loan Amendment to 457 Deferred Compensation Program**

Ms. Carcone made a motion to amend Lyon Township's Deferred Compensation Program for Public Employees, Loans to Participants Amendment to Plan Document. 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: Young, Johnson, Shigley, Cash, Carcone, Bisio  
                              Nays: None

Motion approved.

#### **h. GRS Discussion**

Mr. Quinn explained that he distributed to the Board this evening a copy of a letter that he faxed to Mr. Olson regarding the continuation of the discussions with GRS regarding possible resolution of the amount to be paid to the Township. He stated that the Board authorized the proposal to be made to GRS that would equal 10% of the true gross. The true gross would be 10% of the total electric production made by Detroit Edison from the sanitary fill. He stated that he did present this proposal to GRS, who countered by indicating that they would pay 10% of the amount that they receive from Detroit Edison. He noted that Detroit Edison charges GRS 6% for internal costs before GRS receives their fees.

Mr. Quinn stated that the proposal is that the Township would receive 10% of what is actually paid to GRS from Detroit Edison. He stated that according to the 12 month compilation, ending in April of this year, that Mr. Olson did, the Township would receive almost \$90,000. He briefly discussed what they have discovered as they looked into the original contract.

Mr. Quinn discussed what would be done, if the Board were to authorize him to continue with the negotiations. He stated that tonight he would ask the Board to make a motion to accept the 10% of the payments received by GRS from Detroit Edison or any other electric supplier and authorize Mr. Quinn and Mr. Olson to continue to negotiate the language portion of such agreement.

Mr. Shigley expressed concern with when the flames are used. He stated that if the flames are run, then it reduces the amount that Detroit Edison pays to GRS, which would then reduce the amount that the Township receives. He stated that if Detroit Edison is not timely in getting the equipment repaired, then this too, would be a loss to the Township. He questioned if there could be some sort of penalty for this. Mr. Quinn stated that this is something that can be discussed with GRS. He stated that they would put together some language regarding this before they meet again.

Mr. Young made a motion authorize the Administration and Legal Counsel to continue negotiations with GRS with the understanding that the Board is acceptable to the 10% of the gross sales as portrayed on the proposal which indicates the amount of \$89,850.14. 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: Johnson, Shigley, Carcone, Cash, Young, Bisio  
                              Nays: None  
                              Absent: Adams

Motion approved.

#### **10. NEW BUSINESS**

**a. Transfer of On-Premises Class C Liquor License for Riverbank Golf, L.L.C.**

Ms. Johnson stated that this is not ready and should be tabled until next month's meeting.

Mr. Bisio made a motion table this issue until next month. Mr. Cash supported the motion.

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

Motion approved.

**b. Hornbrook Estates Planned Development, AP-03-35, Site Condominium, Planned Development Agreement, Master Deed and Bylaws**

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated September 12, 2004 regarding this issue.

Mr. Young questioned if two motions are required. Mr. Quinn responded "Yes". He stated that one motion is needed for the Planned Development Agreement and the another motion is needed for the Master Deed, Bylaws and the site plan contingent upon the Planner's and Legal Counsel's review and approval. He stated that it would also be contingent upon the recording of the Planned Development Agreement.

Mr. Young made a motion approve the Planned Development Agreement for AP-03-35, Hornbrook Estates, per the conditions outlined in the McKenna Associates, Inc. letter dated September 12, 2004 with emphasis on the cost sharing agreement and the water and sewer issues. Ms. Carcone supported the motion.

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

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

Motion approved.

Mr. Young made a motion to approve the Master Deed, By-laws and site plan for AP-03-35, Hornbrook Estates, per the conditions outlined in the McKenna Associates, Inc. letter dated September 12, 2004 with the addition of the recording of the Planned Development Agreement. 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: Bisio, Johnson, Shigley, Carcone, Cash, Young  
                          Nays: None  
                          Absent: Adams

Motion approved.

**c. Saddle Creek Condominium, AP-04-27, First Phase Condominium, Master Deed and Bylaws**

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated September 2, 2004 regarding this issue.

Mr. Bisio made a motion approve the first phase condominium Master Deed and By-laws for AP-04-27, Saddle Creek Condominium, subject to the recommendations made by McKenna Associates, Inc. in their letter dated September 2, 2004. Mr. Young supported the motion.

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

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

Motion approved.

**d. Resolution Approving Project Plan for Pratt & Miller Engineering and Fabrication Inc. – Oakland County Economic Development.**

Mary Langhausser, Oakland County Economic Development, explained that this is a second bond and second facility for Pratt & Miller Engineering in Lyon Township. She noted that the project plan is before the Board. She stated that this is one of the stops that they need to make before moving forward with this issue.

Gary Pratt, Owner, gave a brief summary of what Pratt & Miller Engineers does. He stated that they have grown over the past few years and are in need of a larger facility.

Mr. Cash made a motion to approve by resolution approving the project plan for Pratt & Miller Engineering and Fabrication, Inc. project. 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, Carcone, Bisio, Cash, Young, Johnson  
                                  Nays: None  
                                  Absent: Adams

Motion approved.

**e. First and Second Reading, Proposed Adoption of Sewer System Enforcement Sodium Chloride Ban Ordinance Amendment**

Mr. Quinn explained the proposed amendments to the ordinance. Mr. Crandell discussed the status of what is happening with the MDEQ with regard to this issue. He noted that the Township has been out of compliance several times and the situation is getting worse. He discussed the differences between sodium chloride and potassium chloride. He stated that they will be meeting with MDEQ next week and want to be able to show them that the Township is taking action on this issue.

There was discussion with regard to the ground water discharge. Mr. Bisio noted that this is a critical issue.

Mr. Crandell stated that they are sending a letter to all the commercial customers in the Township notifying them that they will be coming around doing inspections. Mr. Olson noted that there were

approximately 50 letters that went out to residential customers. He stated that they have been doing ongoing inspections, many of them at Kensington Mobile Home Park.

Mr. Olson stated that they will do everything that they can to assist and inform the residents and businesses of the Township.

Mr. Quinn stated that in regard to this ordinance, they have a meeting this Friday in Lansing with MDEQ to talk about the violations. He stated that the Township is out of statutory compliance right now which could subject them to a \$10,000 fine per day. He stated that the idea of going to the MDEQ with this ordinance in place is to show them that Township acknowledges the importance of the out of compliance issue. He stated it will also show that this is one of the Township's efforts so that MDEQ will not take immediate action. He stated that the Engineers will show them the Township's action plan of each step that they are going to take to rectify this issue.

Mr. Quinn stated that if the Board considers this the first reading and then brings it back at the next meeting for a second reading and adoption, it will be the Township's grace period for the public to know about this. He stated that there will be newspaper articles following this meeting and there will be letters going out to all the residential customers prior to the adoption of this ordinance. He stated that the Township must take this ordinance very seriously because MDEQ is going to look on it very favorably when they consider the violations.

Mr. Shigley stated that he has talked to many of the residents and feel that they need to know what they need to do.

Mr. Olson briefly discussed some of the language under Section 46-336 1d. He made a suggestion of some language that he would like to see added to this section. There was brief discussion regarding Mr. Olson's suggestions.

Mr. Young made a motion to adopt the amendment to the Lyon Township Ordinance, Chapter 46 per the language provided for first and second reading with the changes to the general conditions on page 2 to read "no person who owns or rents a dwelling, building or structure or land upon which a personal structure is connected". Mr. Cash supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. He stated that it is his understanding that they were just talking about making this a first reading. Mr. Young stated that they were talking about it, but his motion is for first and second reading. He felt that it will add emphasis to the argument when Mr. Quinn and Mr. Crandell go to MDEQ for their meeting.

Mr. Young amended his motion to include "with the understanding that they are going to start a communication campaign to the local residents of the importance of using potassium over sodium". Mr. Cash supported the amendment to the motion.

There was brief discussion with regard to the enforcement of this ordinance.

Mr. Shigley asked if there were any public comments.

Darcy Hollon, 24300 Martindale Road, questioned what will happen if the Township is not able to decrease the numbers. Mr. Olson responded that they would have to join the Detroit system which will be a sizeable expense. He stated that the Township does have an agreement with Mr. Harris, who has a sizeable investment and an expectation of a return. He stated that there are two things of potential high costs with going with the Detroit system. He stated that there is a definite advantage with the Township being an independent system.

Ms. Hollon questioned if Earth Tech has had any comments regarding this issue. Mr. Olson responded that Earth Tech has been part of the meetings that they have had. He noted that they also have Insight Environmental working with them doing the ground water monitoring. He briefly discussed the ground water discharge system.

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

Motion approved.

**f. Jaycees Haunted House – Special Event Approval**

Mike Harris, South Lyon Jaycees, explained that they would like to hold the Haunted House again this year in the Township Park. He briefly discussed the proposed timeline for this event.

Mr. Olson questioned the use of the generator and fuel for the generator. Mr. Harris responded that they will use the same system as last year. The generator will be there but there will be no fuel stored on site other than the fuel that is in the generator.

Mr. Olson stated that he would like to do a walk through prior to the final clean-up of the site. Mr. Harris stated that this would not be a problem.

Mr. Bisio made a motion to approve a special events permit for the South Lyon Jaycees to allow them to have their Haunted House event in the park again this year with the addition of the comments made by Mr. Olson this evening. Ms. Carcone supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. Mr. Cash questioned who is the current President of the Jaycees. Mr. Harris responded that there is no current President. He stated that the individual who was President has resigned. He stated that they only have a Chairman of the Board at this time.

Ms. Johnson questioned if it is possible to move up the insurance. She stated that she would like to see insurance in effect since there will be people on the site. She noted that they would like this as soon as possible. Mr. Harris responded that this would not be a problem.

Mr. Olson questioned if there will be a return for the park. Mr. Harris noted that there are some questions he would like to ask. He stated that last year the Jaycees donated \$1,000 to the park. He stated that upon inspecting the park, they noticed that there is work that needs to be done up there before they would be able to even consider opening. He stated that the water has washed out the road. Mr. Olson noted that this is because of improper material brought in by Allied Waste's contractor. Mr. Harris stated that they would want to make sure that this is taken care of before the event opens to the public. He questioned if this cannot be taken care of by Allied before the event is scheduled to open, could they use some of the \$1,000 that they are going to donate to fix the road. Mr. Olson responded that he felt that this would be a fair thing to do. He stated that the Township would prefer to have limestone mix and not a gravel mix. Ms. Carcone requested that a copy of the bill be forwarded to her office.

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

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

Motion approved.

**g. Discussion of Attorney – Client Relations**

Mr. Quinn stated that when Beztak's proposal for the Erwin Orchard property came before the Planning Commission, there was a motion made by the Planning Commission that there was a possible conflict of interest because his firm had represented Beztak previously. He stated that the Planning Commission requested that this issue be brought up before the Township Board.

Mr. Quinn stated that he pulled out his letter of October, 2003 in which the Board has already discussed this identical item. He stated that the representation of Beztak was in 1999 and including September, 2000 and dealt with a site plan approval of a three office building project. He stated that this was the last time that any representation of Beztak occurred. He stated that as he wrote to the Board in 2003, he does not believe that there is any conflict of interest that appears between his representation of the Township in this matter. He stated as he stated in the previous letter, it is up to the Township Board and the options would be to:

- a. allow him to continue
- b. request that another law firm represent the Township in any and all matters dealing with the Beztak/Erwin Orchards project.

Mr. Quinn stated that the Planning Commission is looking for the Board's direction in the matter.

Mr. Young made a motion to authorize the Township Attorney to continue to represent the Township, including the Beztak/Erwin Orchards project. Mr. Bisio supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. Mr. Young stated that the reason he feels that this important is that there are Prosecuting Attorneys who have prosecuted individuals and then have moved to law firms and have then represented the same individuals or companies. He stated that he feels that this issue is total irrelevant and that is the reason that he made the motion. He stated that if there was some representation going on more recently, then they would have to consider it but because of the time span and the statements that have been made by Mr. Quinn, he made the motion he did.

Ms. Johnson stated that this was brought up over a year ago and the Board did not feel that it was a problem then, so she does not feel that it is a problem now.

Mr. Shigley asked if there were any public comments.

Darcy Hollon, 24300 Martindale Road, stated that she feels that Matt Quinn is an intelligent person who she respects for his ability. He is a good and respectful Attorney. There are many occasions for which he is precisely the right Attorney, but not this case. She stated that they could have a "gentleman's disagreement" of where there is a conflict or not but according to his web site on the day of the Planning Commission meeting, Beztak was listed as a client of the firm. She stated that they must consider these facts because lawyers are committed by law to have a loyalty to past and present clients, if they go to court.

Ms. Hollon questioned what the Michigan Township Association would say. She noted that this is where the Township turned in the past with regard to legal publication questions. She questioned why the Board does not utilize the insurance company's attorney that way it wouldn't be like they were trying to oust the Township Attorney. She stated that this is not what this is about.

Ms. Hollon stated that this has nothing to do with Mr. Quinn, but who he has represented in the past. She stated that the Lyon Township Board of Trustees is comprised of very smart individuals who want the best for the Township. She stated that she has faith in the Board that they will make

the best decision for the Township as a whole. She stated that this is not an attempt to question Mr. Quinn's reputation or ability. She felt that the Board and Mr. Quinn needs to do the best thing for the Township.

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

Motion approved.

**11.    ITEMS REMOVED FROM CONSENT AGENDA FOR ACTION OR DISCUSSION            NONE**

**12.    ADJOURNMENT**

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

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

Motion approved. The meeting was adjourned at 8:53 PM.

Respectfully Submitted,

*Deby Cothery*

Deby Cothery  
Recording Secretary

Pamela Johnson  
Clerk