

**CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES
SPECIAL MEETING MINUTES
October 26, 2004**

Approved as submitted December 6, 2004.

DATE: October 26, 2004
TIME: 6:00 PM
PLACE: 58000 Grand River

1. **Call to Order:** Supervisor Shigley called the meeting to order at 6:00 PM.

2. **Pledge of Allegiance**

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

Absent: Patricia Carcone, Treasurer (vacation)

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

Guests: 31

4. **APPROVAL OF THE AGENDA**

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

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

Motion approved.

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

Ronald Martin, 24965 Belladonna Drive, discussed the condition of Belladonna Drive because of all the development that is going on around it. He noted that it gets torn up by the construction trucks going up and down Eleven Mile Road. He questioned who is responsible for taking care of the condition of the road.

Robin Allen, 28550 Tindale Trail, requested the status of having the meetings taped and

broadcast. He noted that at the last meeting Mike Buck discussed negotiations with Comcast that they were having. He questioned the status of the negotiations. Mr. Shigley noted that he has not heard anything from Mr. Buck, and that he will call him to see what the status is.

6. OLD BUSINESS

Mr. Bisio made a motion to close the regular meeting and open the public hearings for to confirm the Special Assessment Roll for the West Pontiac Trail Water Improvements and the West Pontiac Trail Sanitary Sewer Improvements Special Assessment Districts. Mr. Young supported the motion.

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

Motion approved.

The meeting was closed and the public hearings were opened at 6:05 PM.

a. Public Hearing to Confirm the Special Assessment Roll for the West Pontiac Trail Water Improvement Special Assessment District

b. Public Hearing to Confirm the Special Assessment Roll for the West Pontiac Trail Sanitary Sewer Improvement Special Assessment District

Mr. Crandell explained that there are actually two special assessment districts that are very similar, one for water and one for sanitary sewer for West Pontiac Trail. He explained the route that the water lines and the sanitary sewer lines would take. He stated that the total project cost for the water is \$2,358,129.93, which includes capital charges. The SAD amount is \$1,769,732.88 and the Township's portion is \$588,397.10. The total project cost for the sanitary sewer is \$6,074,384.86, which includes capital charges. The SAD amount is \$6,008,167.20 and the Township's portion is \$66,217.60.

There were no public comments for neither SAD, water or sanitary sewer.

Mr. Shigley questioned if there is a construction schedule for these projects. Mr. Crandell responded

that the construction schedule depends on the acquisition of the easements. Mr. Shigley questioned if the water and sewer projects will be happening at the same time. Mr. Crandell responded that they would.

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

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

Motion approved.

The public hearings were closed and the regular meeting re-opened at 6:12 PM.

c. Public Hearing on Truth in Budgeting

Mr. Olson suggested that this issue be moved to the end of the agenda.

7. **NEW BUSINESS**

a. Resolution Confirming West Pontiac Trail Water Improvement Special Assessment Roll

Mr. Quinn distributed a modified resolution to the Board. He noted that the only thing that has changed is the final amount of the district and the number of parcels that are actually being assessed. He stated that this is the resolution confirming the roll for the West Pontiac Trail Water Improvement Special Assessment Roll. It sets forth the amount of improvements being at \$2,358,129.93. The amount to be assessed against eleven property owners is \$1,769,732.88. He briefly discussed the terms of payment.

Mr. Bisio made a motion to approve the Resolution Confirming the West Pontiac Trail Water Improvement Special Assessment Roll. Mr. Cash supported the motion.

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

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

Motion approved.

b. Resolution Approving Revised Project Description, Revised Cost Estimates and the Special Assessment Roll for the West Pontiac Trail Sanitary Sewer Special Assessment District.

Mr. Quinn distributed a modified resolution to the Board. He stated that this resolution is approving the revised project descriptions, the revised cost estimates and the special assessment roll. The resolution states that the SAD project is in the amount of \$6,074,384.86 with the amount to be assessed against the property owners being \$6,008,167.20 with the balance being assessed against the Township. He stated that this SAD will be assessed against thirteen property owners. He briefly discussed the terms of payment.

Mr. Bisio made a motion to approve the resolution approving the revised project description, the revised cost estimate and special assessment roll for the West Pontiac Trail Sanitary Sewer Special Assessment District. Mr. Cash supported the motion.

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

Ray Maffezzoli, Multi-Building Company, in connection with the Saddle Creek property, questioned if there were any issues in making this a 15 year assessment versus a 10 year assessment. Mr. Quinn responded that the typical Township SAD is 10 years. He stated that he felt that there was a desire to keep this SAD in line with the water SAD. He stated that the 10 year was deemed by the Bond Counsel and Financial Advisors to be the appropriate time period.

Mr. Maffezzoli stated that he believes that there is capitalized interest in this. Mr. Quinn responded that this is correct. He noted that the first actual bond payment is not due until February 16, 2006.

Ms. Johnson asked Mr. Crandell to explain the Township-at-large portion of these SAD's, which he did.

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

Absent: Carcone

Motion approved.

c. Pinehurst Planned Development, AP-03-27, Final PD Approval Request

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

Representing Pinehurst Planned Development this evening:

- Gary Rentrop, Attorney
- Bob Leighton, Robert Leighton Associates
- Bruce Michael, Phoenix Land Group
- Mike Labadie
- Edward Francis, Gunnlevine Architects
- Janine Saputo, Historian
- Nancy Finegood, Michigan Historic Preservation Network
- Thomas Moorehead, Attorney, Peters' Family Trustee

Mr. Rentrop gave a brief introduction to the proposed plan. Mr. Leighton reviewed the plan for the Board using a Power Point presentation. Mr. Francis discussed the restoration of the farmstead. Ms. Saputo discussed the history of the farmstead.

Mr. Shigley noted that the Board received a letter from Bob Seccombe regarding this issue.

Mr. Young stated that he is impressed with this plan and the preservation. He complimented the Planning Commission, Planners and the Board for working with the developer. He complimented the developer for taking the time to go through the whole process. He felt that it was really a team effort.

Mr. Shigley stated that as he looks at the road layout, which he felt is a vast improvement over the first plan, it looks like there is one entrance that is going into the east side of the subdivision. He noted that there is a gas line that runs in this area. He asked the developer to consider making this area an open path if emergency vehicles need to pass over the gas line.

Mr. Adams complimented Pinehurst on this plan. He felt that they could be very proud of this development in the years to come.

Mr. Shigley stated that of all the PD's that he has seen over the years, Pinehurst has touched on more single items than he has ever seen anybody else do.

Mr. Young made a motion to approve the final PD for AP-03-27, Pinehurst Planned Development, per the conditions in the McKenna Associates, Inc. letter dated October 18, 2004 with the addition of a 6" lead to the Bell property and a 4' fence along the eastern property line as agreed upon. Mr. Adams supported the motion.

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

Dave Talaga, 25001 Douglas Drive, stated that he was never contacted after the Planning Commission meeting, so to say that the developer was going to cooperate and talk with neighbors, it was not done. He stated that he has made three phone calls to the Phoenix Group to try and talk with them. He stated that they were supposed to get together on a Friday night but two of the neighbors could not make it. He stated that to say that he is holding up things, it is

not his doing.

Mr. Talaga stated that somehow an e-mail that he felt that he sent personal and confidential to the Planning Commission members somehow was sent to Phoenix. He indicated that he was not pleased with this.

Mr. Talaga stated that in reference to what was said, what was talked about and what was put in the minutes from the Planning Commission meeting regarding signed letters from the residents of Douglas Drive. The minutes indicated that the developer indicated that providing signed copies of the letters would not be a problem. He stated that the developer does not have signed copies of the letters. He noted that he received his packet with the letter to review today, in his mailbox. He did not feel that this was fair.

Mr. Talaga stated that he commends Phoenix for what they have done with the development. He stated that when you don't communicate with the adjoining property owners and then make statements, such as what is in the 9/13/04 Planning Commission minutes, and don't do this in a timely fashion, it is inappropriate. He stated that he can't get satisfaction, if he is not talked to.

Mr. Talaga stated that with regard to the chain link fence, he does not agree with it being on his property line. He stated that he does appreciate all that Phoenix has done with regard to the landscaping. He stated that there are other concerns, especially with regard to having an access to the east portion of his property. He noted that Mr. Michaels indicated that they could take care of this, but there is nothing in his letter indicating this or that Phoenix is even open for conversation on this issue.

Mr. Talaga briefly discussed the drainage from this development. He stated that as far as he is concerned there is supposed to be no run-off of water from this development onto his property.

Mr. Adams questioned why Mr. Talaga would want an access road to his property. Mr. Talaga responded that usually when you have property that might be considered land locked, there should be an access road.

Mr. Bisio questioned if the chain link fence is really needed. Mr. Talaga stated that in the landscaping plan it identifies that trees will be planted along the property line and 20' on the Phoenix plan, which he has to maintain.

Mr. Young stated that they could amend the motion to be contingent upon working out the property agreement with the adjacent neighbors. He stated that with regard to the drainage, he would also be happy to amend the motion to state that "with the understanding that the run-off to the east would not exceed the current agricultural rate". He noted that the Township Ordinances already provide for this, but felt that it would be emphasized.

Mr. Michaels stated that behind all the lots there are rear yard drains that the drainage from the houses will flow to. The drains will be located approximately 15' off the property line so that they can make sure they don't destroy any of the mature trees that are along this area. He stated that any of the drainage coming off the back of the houses will go into the drains and then go through a pipe system to the basin. He stated that there really should not be any water coming off the Pinehurst property onto the neighbors property.

Mr. Adams stated that it is in the Township Ordinances that water shall not encroach on neighboring properties. He stated that he is very familiar with this, because it happened to him. He felt that Mr. Talaga's point is moot, because it is going to be taken care of. Mr. Talaga stated that the plan does not show that.

Mr. Michaels stated that the plan shows now the sheet drainage going that way. He stated that what will happen is that the water will still sheet drain to that point but there will be a swale along there with a catch basin where the water will flow into. Mr. Quinn noted that this is really a site plan review issue and should be addressed at that time.

Mr. Adams questioned the chain link fence. He noted that it was stated that some of the people want the fence and some do not want the fence. Mr. Michaels stated that this is correct. Mr. Cash noted that the developer could go out tomorrow and put up a chain link fence in two or three inches from their property line and the neighboring residents could not do anything about it.

John Hicks, 29393 Tonester Circle, questioned what rights or privileges will the homeowners have with the farmstead, in conservancy, that they will be paying for. Mr. Quinn stated that the rights and privileges are those that are provided within the historic preservation easement. He stated that they will have no more or no less than what is there. He stated that they would have to seek permission from the Michigan Historic Preservation Network if they wanted to use it for any purpose.

Darcy Hollon, 24300 Martindale Road, stated that from what she understands is that the woods and the farmstead are going to be placed in conservancy and that the Township can take ownership of it at a later date, if they so choose. She questioned, what would stop a future Board from taking ownership and the selling it for development. Mr. Doozan stated that the terms of the easement are that this will be in conservancy for perpetuity.

Ms. Hollon stated that traffic was not discussed. She questioned when the signal at Ten Mile Road and Martindale Road be installed. Mr. Shigley stated that this is not part of this proposal. Ms. Hollon indicated that she knows this, but would still like to know when it will happen. Mr. Shigley stated this was scheduled to be done this Fall. Mr. Olson suggested that Ms. Hollon call the Road Commission. He noted that he has made several calls.

Ms. Hollon stated that nothing was mentioned about the schools. She pointed out that there are seven empty classrooms in Hardy Elementary right now and that class sizes are very large throughout the district. She stated that the more development that comes into the Township, the more schools that have to be built, but there is less money to hire janitors, office staff or teachers.

Ms. Hollon stated that with regard to the chain link fence, she would prefer not to see the fence installed. She noted that she has seen deer get caught in fences and would prefer not to see a fence installed. There was further discussion with regard to the installation of a fence.

Mr. Young restated his motion and included amendments:

Mr. Young made a motion to approve the final PD for AP-03-27, Pinehurst Planned Development, subject to the conditions in the McKenna Associates, Inc. letter dated October 18, 2004 and including the 6" lead to the developed property and the condition of the 4' high fence along the east property line be worked out through an agreement between the developer and the appropriate property owners. Mr. Adams supported the motion.

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

Motion approved.

Mr. Bisio made a motion for the Board to take a ten minute break. Mr. Young supported the motion.

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

Motion approved. Break began at 7:40 PM. The meeting re-convened at 7:50 PM.

8. OLD BUSINESS:

c. Public Hearing on Truth in Budgeting

Mr. Bisio made a motion to close the regular meeting and open the public hearing for the truth in budgeting. Ms. Johnson supported the motion.

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

Motion approved.

The regular meeting was closed and the public hearing was opened at 7:52 PM.

Mr. Olson explained the Truth in Taxation and Budgeting. He noted that the purpose tonight is to discuss the tax rate. He briefly reviewed the information provided to the Board with regard to this issue for the past three years.

Mr. Shigley asked if there were any public comments.

Harold Grove, 28735 Hovey Lane, questioned if the public was informed about this. Ms. Johnson responded that this was advertised in the paper last week.

The public hearing was held. There was no action taken by the Board.

9. ADJOURNMENT

Mr. Bisio made a motion to adjourn the meeting. Mr. Adams supported the motion.

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

Motion approved. The meeting was adjourned at 8:04 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary

Pamela Johnson
Clerk