

**CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES
MEETING MINUTES
May 2, 2005**

Approved as corrected June 6, 2005.

DATE: May 2, 2005
TIME: 7:00 PM
PLACE: 58000 Grand River

1. **Call to Order:** Supervisor Young called the meeting to order at 7:02 PM.

2. **Pledge of Allegiance**

3. **Roll Call:** Present: Lannie Young, Supervisor
Patricia Carcone, Treasurer
Pamela Johnson, Clerk
Dan Cash, Trustee
Brent Hemker, Trustee
John Hicks, Trustee
Troy Schilling, Trustee

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

Guests: 20

4. **APPROVAL OF THE CONSENT AGENDA**

- Approval of Regular Meeting Minutes of April 4, 2005
- Approval of Special Meeting Minutes of April 11, 2006
- Approval of Disbursements
- 1st Quarter Revenue/Expense Report
- 1st Quarter Cash Report
- Sheriff Department Report for March, 2005
- Fire Department Roster Approval
- Engineer Status Report for April, 2005
- Groundwater Monitoring – Annual Contract with Insight Environmental

Mr. Hemker noted some typographical errors on the April 4, 2005 minutes for the Recording Secretary to fix.

Mr. Schilling requested that the Groundwater Monitoring – Annual Contract with Insight Environmental be removed from the Consent Agenda and discussed under Item 14.

Mr. Hemker made a motion to approve the consent agenda with the changes discussed. Mr. Schilling supported the motion.

Roll Call Vote: Ayes: Carcone, Cash Young, Hicks, Hemker, Schilling, Johnson
 Nays: None

Motion approved.

5. ANNOUNCEMENTS AND COMMUNICATIONS

Mr. Hicks stated that with regard to getting someone in from the Road Commission to explain the fast track lights, there is a website, www.rcocweb.org, that can be accessed that gives a really good explanation of fast track lights.

Later in the agenda there is an item, Consideration of Video Bids, which Mr. Hicks indicated is not really ready for discussion tonight. He stated that they did receive bids, but they raised more questions than answers.

Mr. Hicks stated that Michigan Week is May 21st through May 27th, 2005. He shared some interesting facts that he found in a book entitled Oakland County Book of History dated 1970 by Arthur Hagman and staff.

Mr. Olson stated that the upcoming Hazardous Waste Day in the Township is the same day as the Blitzfest, Saturday, June 4th. He stated that they thought that they could get the Hazardous Waste Day moved to either the Fire Hall or Community Center. He stated that the RRRASOC did not feel that it was a good idea to move this function to another location. He stated that they would like to stay in the parking lot in the park located immediately behind the Fire Hall. The time for this function is 9:00 AM to 2:00 PM. He stated that along with the hazardous waste drop-off, they will be offering a shredding service.

Mr. Olson stated that last month the Board was asked to consider a Township wide clean-up day. He stated that he has done some research on this and briefly discussed his findings. He stated that he would encourage the residents to use the hazardous waste drop-off, if this is the type of things that they have, or to contact their solid waste hauler to schedule a special pick-up.

Ms. Carcone stated that they will be having the County stuff the tax bills. She stated that they can have up to three inserts with the tax bills. She indicated that she would like to put a newsletter in with the tax bills. She showed the Board a copy of Commerce Township's newsletter that goes out with their tax bills. She stated that she does not know how much it would cost to have these printed, but did not feel it would be too much. Mr. Olson noted that they do have \$9,600 budgeted under Customer Service that could be used for this. The consensus of the Board was

that

this is a great idea and felt that Ms. Carcone could get this started and then come back to the Board when she has pricing. John Bell, Library Board, questioned if the Library could put some information in this newsletter. Ms. Carcone responded that they could.

Mr. Young stated that concern has been made that during the Continental exposure investigation there was a 30 day comment period. He stated that the deadline for this was April 25, 2005. He stated that a request was made to extend the public comment period, and per an e-mail from Christina Bush, the date has been extended to May 26, 2005.

6. CALL TO THE PUBLIC

Chris Roberts, 56645 McKenzi Lane, felt that the Township Treasurer should think about selling space in the newsletters. He stated that his company would pay for space. He stated that this is the one piece of mail that he know everybody would have to open.

Darcy Hollon, 24300 Martindale Road, updated the Board on the light at Ten Mile Road and Martindale Road. She stated that they now have a smart light at this intersection.

Will Ryan, Continental Aluminum Company, stated that he has some good news, and bad news:

- Good news: Continental Aluminum has recently received a bronze safety award from MIOSHA. He stated that they have improved on their safety record in the plant and have gone from 36 injuries in 2002 to 4 injuries in 2004 and zero so far this year. He stated that the Director of MIOSHA was out last Tuesday and presented the award.
- Bad news: On Tuesday, April 19th, Bill Altgilbers announced his resignation as President of Continental Aluminum and his last day with the company was Friday, April 29th. He stated that Mr. Altgilbers moved back home to be closer to family and friends. He stated that he would like to assure both the community and the Board members that Bill's leaving will not affect the open relationship that Continental has strived to maintain with Lyon Township. He stated that the open door policy will remain in effect and encouraged both Board members and residents to come out and tour the facility.

Mr. Ryan introduced Dave Rhineheart, who is the new President of Continental Aluminum. Mr. Rhineheart introduced himself to the Board and gave a brief history of his background.

7. APPROVAL OF AGENDA

The following items were requested to be added to the agenda:

- Property Acquisition (Executive Session)

Mr. Olson requested that the following items be added to the agenda:

- Resolution for Amended Utility Fee Schedule (Unfinished Business)
- Memo dated April 28th which includes several items and documents
 - First Reading of Tree Preservation Ordinance
 - Grading Ordinance Revisions
 - 2003 State of Michigan Building Code
 - Front the cost on the Southwest Water/Sewer SAD's

Ms. Carcone asked Mr. Olson how many of his items are absolutely essential for the Board to put them on the agenda tonight. She stated that most of them they only received Sunday and have not had a chance to review the information. She stated that she would prefer only to add the amended fee schedule and not the others.

Mr. Olson responded that they may want to have a discussion with regard to the Tree Preservation Ordinance because it does relate to an enforcement issue that they will be covering under pending litigation regarding tree cutting. He stated that the Grading Ordinance Revisions was really more informational at this point. He stated that with regard to the Building Code, he would leave that up to Mr. Quinn. He stated that it is his understanding that the State basically told us that they need to do this because the BOCA Code no longer exists. He stated that the last item, Front the cost on the Southwest Water/Sewer SAD's, is tabled and, therefore, does not have to be added to the agenda this evening.

The following item was removed from the agenda:

- Consideration of Video Bids

Ms. Carcone made a motion to approve the agenda as amended with the addition of the Resolution for Amended Utility Fee Schedule to Unfinished Business and Property Acquisition to the Executive Session and the removal of the Consideration of Video Bids. Mr. Hemker supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

8. **Public Hearing for Timber Trail Sanitary Sewer and Water Improvements Proposed Special Assessment District.**
9. **Public Hearing for Eleven Mile Road Paving and Milford Road and Spaulding Road Water Main Improvement Proposed Special Assessment District.**
10. **Public Hearing for Spaulding Road Sanitary Sewer Improvement Proposed Special Assessment District**
11. **Public Hearing for Woodwind Well Improvements Proposed Special Assessment District #3.**

Ms. Zawada explained that the Timber Trail Sanitary Sewer and Water Improvements SAD will be assessed to one property owner. She stated that the total cost of the project is \$157,226.32.

Mr. Quinn explained that the Eleven Mile Road paving and Milford Road and Spaulding Road water main improvement SAD is part of the Elkow project. He stated that this one will cover the Eleven Mile Road paving and the water main running along Milford Road and Spaulding Road. He stated that the public hearing will be held this evening and when they get to the action items, he will have more comments.

Mr. Quinn explained that the Spaulding Road sanitary sewer improvement SAD is part of the Elkow development. This will run sanitary sewer along Spaulding Road.

Mr. Quinn explained that the Woodwind Well improvements SAD is to cover the excess cost over the original SAD. This is for the well improvements and some water main discussion.

Mr. Hemker made a motion to close the regular meeting and open the public hearings for Timber Trail Sanitary Sewer and Water Improvements Proposed Special Assessment District, for Eleven Mile Road Paving and Milford Road and Spaulding Road Water Main Improvement Proposed Special Assessment District, for Spaulding Road Sanitary Sewer Improvement Proposed Special Assessment District and for the Woodwind Well Improvements Proposed Special Assessment District #3.

Mr. Schilling supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The public hearings were opened at 7:30 PM.

Mr. Young asked if there were any comments with regard to the Timber Trail Sanitary Sewer and Water Improvements SAD. There were none.

Mr. Young asked if there were any comments with regard to the Eleven Mile Road Paving and Milford Road and Spaulding Water Main Improvement SAD. There were no public comments.

Mr. Olson stated that on Friday he received a construction plan for this project and requested clarification on a few items:

1. Coordination with the Hornbrook parcel which will pave a section of Eleven Mile Road and also fill in a gap at Stancrest between these two projects was something that went

through deliberations with the Planning Commission and the Board. He stated that he did not see this on the construction plan.

2. There is an 8' bike path indicated in lieu of a 10' bike path. Mr. Olson stated that he is not sure if these items are included in the SAD. He stated that he did notice that the bike path started and stopped rather than being continuous throughout the development.
3. He questioned the status of where they were at with regard to easements.

Ray Cousineau addressed Mr. Olson's concerns. He stated that they do have a cost share agreement with Nick Mancinelli to close the gap between his development and theirs. He stated that as it stands right now, this project will include paving to Nick Mancinelli's east property line. He stated that Mr. Mancinelli has expressed interest in possibly adding the paving along the front of his property to the Elkow's scope of work so that the road paving could be done all at once.

Mr. Cousineau stated that with regard to the bike path, the Road Commission has told them that they are not allowed to put 10' bike paths in the right-of-way because it is not the standard of the Road Commission even though it is the standard of the Township. He noted that they do not have final resolution on this issue as of yet.

Mr. Cousineau stated that with regard to the easement acquisition, they have a couple of parties involved in the negotiations. He stated that they are hopeful that they will be able to move forward with all their agreements by the end of this week.

Mr. Young asked if there were any comments regarding the Spaulding Road Sanitary Sewer SAD. There were none.

Mr. Young asked if there were any comments regarding the Woodwind Well No. 3 SAD. There were none.

Mr. Hicks made a motion to close the public hearings for Timber Trail Sanitary Sewer and Water Improvements Proposed Special Assessment District, for Eleven Mile Road Paving and Milford Road and Spaulding Road Water Main Improvement Proposed Special Assessment District, for Spaulding Road Sanitary Sewer Improvement Proposed Special Assessment District and for the Woodwind

Well

Improvements Proposed Special Assessment District #3 and re-open the regular meeting. Ms. Johnson supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The public hearings were closed at 7:36 PM.

11. UNFINISHED BUSINESS

Resolution - Amended Utility Fee Schedule

Mr. Quinn explained that this is the resolution that the Board adopts every year regarding their utility fee schedule for sewer and water. He stated that the only change on this one, at this time, is only to reflect the following:

1. Amount owed Park Place Environmental (now Lyon Wastewater) as of January 1, 2005 increases annually by the eleven bond index. The new share of the sewer tap or REU fee is \$6,025.97. The Township's portion of the sewer tap or REU is being increased for the first time since 2001 from \$2,230.90 to \$2,374.03.

He stated that this resolution is in a form ready for the Board's adoption.

Mr. Hemker made a motion to adopt the resolution for the amended Utility Fee Schedule.
Mr. Cash supported the motion.

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

Roll Call Vote: Ayes: Schilling Hicks, Cash, Johnson, Carcone, Young, Hemker
 Nays: None

Motion approved.

a. Resolution Confirming Timber Trail Sanitary Sewer and Water Main Improvements Special Assessment District Roll.

Mr. Quinn explained that this resolution is for the amount of \$157,226.32 and will be assessed against one parcel. He stated that this is a 10 year SAD, which is made up of equal annual payments with the first payment being due February 14, 2006.

Mr. Hicks made a motion to adopt the resolution confirming Timber Trail Sanitary Sewer and Water Main Improvements Special Assessment District Roll. Mr. Schilling supported the motion.

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

Roll Vote: Ayes: Young, Schilling Hicks, Johnson, Carcone, Hemker, Cash
 Nays: None

Motion approved.

b. Resolution Confirming Eleven Mile Road Paving and Spaulding Road and Milford Road Water Improvements Special Assessment District Roll.

Mr. Quinn explained that as a result of a meeting with Bond Counsel this afternoon there are still some questions and concerns that need to be addressed. Therefore, he requested that this issue be tabled until the next meeting.

Mr. Hemker made a motion to table the Resolution Confirming Eleven Mile Road Paving and Spaulding Road and Milford Road Water Improvements Special Assessment District Roll until the June meeting. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

c. Resolution Confirming Spaulding Road Sanitary Sewer Improvements Special Assessment District Roll.

Mr. Quinn explained that the amount on this roll has been decreased so in the resolution in paragraph 1, the new dollar amount is \$936,712.35. He stated that this amount will be assessed against seven parcels for a period of ten years.

Mr. Hicks made a motion to adopt the Resolution Confirming Spaulding Road Sanitary Sewer

the Improvements Special Assessment District Roll in the amount of \$936,712.35. Mr. Cash supported the motion.

Mr. Young asked if there were any comments from the Board regarding this. There were none.

Roll Call Vote: Ayes: Johnson, Schilling Carcone, Cash, Young, Hicks, Hemker
Nays: None

Motion approved.

d. Resolution Confirming Woodwind Well System Improvements Special Assessment District No. 3 Roll.

Mr. Quinn explained that the amount of \$365,352.19 will be assessed against 166 parcels. He stated that this SAD is a nine year SAD so that it will coincide with the original ten year SAD. He stated that the Township's portion of this project is \$103,834.50 and will be paid back to the Township in installment payments outlined in the agreement between Walnut Creek Estates and Woodwind Investment Company over the same nine year period.

Mr. Cash made a motion to adopt the Resolution Confirming the Woodwind Well System Improvements Special Assessment District No. 3 Roll. Mr. Hicks supported the motion.

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

Roll Call Vote: Ayes: Carcone, Johnson, Young, Cash, Schilling, Hicks, Hemker
Nays: None

Motion approved.

e. Amended Resolution Determining Necessity of Improvements and Designation for the Southwest Sanitary Sewer Special Assessment District.

Mr. Quinn requested that this issue be tabled until next meeting.

Mr. Hemker made a motion to table the Amended Resolution Determining Necessity of Improvements and Designation for the Southwest Sewer Special Assessment District. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved.

f. Resolution Setting Hearing Date on Special Assessment Roll For Southwest Sanitary Sewer Special Assessment District.

Mr. Quinn requested that this issue be tabled until next meeting.

Mr. Hemker made a motion to table the Amended Resolution Determining Necessity of Improvements and Designation for the Southwest Sewer Special Assessment District. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

g. Second Reading and Proposed Adoption of the Conditional Rezoning Ordinance Amendment

Mr. Quinn stated that this ordinance has been properly published in the newspaper and is ready for the Board's consideration.

Mr. Hicks made a motion to adopt a resolution to amend the Charter Township of Lyon's Zoning Ordinance by creating Article 42.00, Conditional Rezoning, Section 42.01. Mr. Cash supported the motion.

Mr. Young asked if there were any comments regarding the motion from the Board. Mr. Schilling questioned if they have a poll or study of how other communities have moved forward with this. Mr. Quinn responded that this is so new and that Lyon Township is one of the leaders in this area. Mr. Schilling questioned if there are any other municipalities that are drafting this. Mr. Quinn responded that he did share this with some of the other Attorneys in the area. He stated that it is his understanding that other communities have this in the works.

Mr. Schilling made a motion to postpone this until they can review what the MTA is proposing. Mr. Hemker supported the motion.

Mr. Young asked if there were any comments regarding the subsidiary motion to postpone. Ms. Carcone asked Mr. Doozan if he knew how long it would be before they got more information from the MTA. Mr. Doozan responded that he does not know how long it will take.

Mr. Young asked if there is any business out there right now that will be impacted by postponing this issue. Mr. Olson responded that there is, there are a couple projects in the works.

After further brief discussion, Mr. Young called the question on the subsidiary motion made by Mr. Schilling.

Voice Vote: Ayes: Cash, Carcone, Hemker Johnson, Cash
 Nays: Hicks, Young

Motion approved.

Approval of the subsidiary motion retires the main motion.

h. Second Reading and Proposed Adoption of the Vesting of Pension Plan Ordinance Amendment

Mr. Quinn stated that this issue was discussed previously and a motion was made to approve it. He stated that it is now placed in an ordinance form and has been published in the newspaper and is now ready for the second reading and final adoption.

Mr. Hemker made a motion to adopt the ordinance to amend Chapter 2 on the Pension Plan Vestment Schedule. Ms. Carcone supported the motion.

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

Roll Call Vote: Ayes: Hemker, Johnson, Hicks, Schilling, Carcone, Young, Cash
Nays: None

Motion approved.

i. Kettle Lake Private Road Resolution

Mr. Quinn stated that he was asked to prepare this resolution for the Board regarding the Kettle Lake private road. He stated that the documents that they were provided did verify that the proper road easement agreements have been recorded and that they did contain the required ordinance language that states that the Board does have the right to allow adjacent property owners the access to this private road. He stated that originally when this private road was constructed only the property owners on the left side of the road had access. The property owners on the right side of the road have requested access and were denied by the original holders of the easement, but the Board does have the right by the road easement location and the Township's ordinance to allow persons to have access. He stated that this resolution will be recorded and provide the right to the adjacent property.

Mr. Hicks made a motion to adopt the resolution for Kettle Lake Private Road. Ms. Carcone supported the motion.

Roll Call Vote: Ayes: Young, Schilling, Cash, Johnson, Carcone, Hicks, Hemker
Nays: None

Motion approved.

j. Memorandum from Last Month for Superintendent Review

Mr. Young stated that this is to on the agenda to schedule a special meeting. He stated that availability has been discussed and that May 12th seemed to be a good day for everyone.

Ms. Carcone made a motion to schedule a special meeting for Superintendent review on May 12th at 6:30 PM. Mr. Schilling supported the motion.

Mr. Young asked if there were any comments from the Board regarding this. Mr. Olson asked if all members of the Board will be able to make this meeting. Mr. Schilling noted that he could be here as early as 6:00 PM. Ms. Johnson stated that this has been requested as an Executive Session and will not be open to the public.

Ms. Carcone amended her motion changing the time to 6:00 PM in lieu of 6:30 PM. Mr. Schilling supported the amendment.

Voice Vote: Ayes: Carcone, Hemker, Hicks, Johnson, Schilling, Young
Nays: Cash

Motion approved.

k. Consideration of Video Bids (This issue was removed from the agenda)

l. Proposed Liquor License Resolution.

Ms. Johnson explained a sample resolution from Orion Township that was distributed to the Board members. She stated that what this does is gives the Township some input when there

is sale of liquor licenses from the Township. She noted that she did get another one in from another community also.

Mr. Young stated that they should probably make a motion to authorize the Consultants to draft a similar resolution. Ms. Johnson indicated that she can do this unless there is something specific that the Board would like to see put in this.

Ms. Carcone made a motion to authorize the Township Clerk to draft a similar resolution and bring it back to the Board. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

13. NEW BUSINESS

a. Lyon Ridge Planned Development Approval

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated April 22, 2005 regarding this issue.

Ms. Zawada stated she wanted to make the developer aware that at the present time the Woodwind Well does not have the capacity to serve the entire area until it is connected with the Township's existing system. There was brief discussion with regard to the availability of the water.

Andy Milia, Franklin Properties, gave a brief presentation of the proposed development. He stated that with him tonight is Patrick O'Leary of Hometowne Builders and Karen Stutzman, Vice-President of Franklin Properties. He stated that they are here to answer any questions that the Board may have.

Mr. Hicks made a motion approve AP-03-34, Lyon Ridge Planned Development, subject to the McKenna Associates, Inc. letter dated April 22, 2005. Mr. Cash supported the motion.

Mr. Young asked if there were any comments from the Board regarding this. Mr. Olson stated that he did not see any prohibition of off-site signage. Mr. Milia responded that it is in the PD Agreement. Mr. Hemker noted that the motion did not state anything about the water issue. Mr. Quinn stated that this could be added by stating "subject to the comments made by the Engineer".

Mr. Hicks amended his motion to include being subject to the comments made by the Engineer regarding the potential availability of water. Mr. Cash supported the amendment to the motion.

Mr. Young stated that he would like to send the rest of the developers who are developing in the Township to this developer so that they can be shown how this is done. Mr. Hemker noted that the Planning Commission worked very hard with this developer to get this to where it is now.

With regard to the prohibition of off-site signage, Mr. Milia indicated that they did agree to this and will make sure that it is noted in the PD Agreement. Mr. Olson explained that this would be a prohibition against off-site signage, particularly roadside signs advertising this development being placed throughout the Township. He noted that this is something that they are trying to get into all PD's at this time. Ms. Stutzman stated that this can be found in the By-laws to the Master Deed in Section 7.5.26.

Roll Call Vote: Ayes: Carcone, Hicks, Young, Cash, Schilling, Hemker, Johnson
Nays: None

Motion approved.

Mr. Young noted that they did receive a letter dated April 29, 2005 from Tom Swiatlowski at 52485 Ten Mile Road regarding this development.

b. Resolution of Tentative Declaration of Intention to Make Improvements for Lyon Ridge Sanitary

Mr. Quinn explained that this petition is on behalf of the current owners of this project who have signed a petition indicating that 165 REU's of capacity in the sewer system be purchased in the form of an SAD. This SAD would be assessed against one property owner. He stated that this resolution calls for a public hearing to be held on Monday, June 6th for the estimated cost of \$1,074,099.00, which is Lyon Wastewater's share.

Mr. Young noted a typographical error on page two of the resolution, which Mr. Quinn indicated that they will fix.

Ms. Carcone questioned the name of the current property owners. Mr. Quinn responded that the current property owner is Freund Four Limited Partnerships, DBA Freund Four LLC.

Mr. Hemker made a motion to adopt the Resolution of Tentative Declaration of Intention to Make Improvements for the Lyon Ridge Sanitary Sewer Capacity Improvements SAD. Ms. Carcone supported the motion.

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

Roll Call Vote: Ayes: Young, Johnson, Hicks, Hemker, Carcone, Schilling, Cash
Nays: None

Motion approved.

c. Quadrants Industrial/Research Centre – 7th Amendment to Site Condo

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated April 27, 2005 regarding this issue.

Mr. Quinn questioned if the Planning Commission is telling the developer not to build the bike path. Mr. Doozan responded that in this case it would make more sense to contribute the funds to the Bicycle Path Fund than it does to construct the bike path. He stated that the developer, after receiving a cost estimate of \$6,882, has decided that they would rather build the bike path because they did not like the cost estimate. Mr. Quinn stated that the Township ordinance requires that the developer construct the improvement on the site plan. He stated that he is not sure they can, without some ZBA waiver, say that a variance can be granted from the construction standards to build a sidewalk. Mr. Doozan noted that the ordinance does give the option to contribute to the Bicycle Path Fund.

Mr. Hemker made a motion to approve the 7th Amendment to and the 5th Re-plat of the improved condominium subdivision plan for Quadrants Industrial/Research Centre subject to the comments in the April 27, 2005 McKenna Associates, Inc. letter, including the recommendation of the Planning Commission. Ms. Carcone supported the motion.

Mr. Young noted that there is a letter from Al Hogan in the Board's packets indicating that all the signs have been removed from the site and that the developer is now in compliance with this issue that was cited in the McKenna Associates, Inc. memorandum dated March 30, 2005.

There was further discussion with regard to the installation or non-installation of a bicycle path by the developer.

Mr. Hemker re-stated his motion.

Mr. Cash made a motion to strike item 1 on page 1, The developer must make a contribution to the Township Bicycle Path Fund, because it violates the Township's ordinances. Ms. Carcone supported the motion.

Mr. Young asked if there were any comments regarding the subsidiary motion. Mr. Cash stated that he agree with what they are trying to do, but does not believe that they should violate the Township's ordinances.

Voice Vote: Ayes: Carcone, Cash, Hicks, Johnson, Schilling
 Nays: Hemker, Young

Motion approved.

The main motion was voted on:

Voice Vote: Ayes: All
 Nays: None

Motion approved.

d. Amendment to the Uniform Traffic Code, Vehicles for Sale Restricting Display

Mr. Quinn stated that this ordinance was brought back from the archives. Originally this was presented to the Board approximately two years ago in its original form. He explained that this ordinance will allow "For Sale" vehicles to be displayed only on the owner's property. He stated that this ordinance will not allow "For Sale" vehicles to be placed on a vacant lot, in the right-of-way in front of a subdivision or could not be placed at a retail center. He noted that the penalty for violating this ordinance will be a civil infraction.

Mr. Hicks made a motion to adopt the ordinance to amend the uniform traffic code to restrict the display of vehicles for sale and providing penalty for a violation of those restrictions. Mr. Cash supported the motion.

Mr. Young asked if there were any comments regarding the motion. Ms. Carcone questioned if she would be able to sell her car in her neighbor's yard. Mr. Quinn responded that she would not be able to do this. He stated that the car can be displayed in her yard only. He noted that the Sheriff's department will check the plate to see if the owner of the car actually lives where the car is displayed. If not, then the property owner and the owner of the car can both be ticketed.

There was discussion with regard to Section 2.b., Displaying Advertising. Mr. Quinn stated that the pizza delivery car will be able to park in front of the store, in and out as a delivery person, but would not be able to park a truck there and leave there for an extended period of time with advertising on it.

Mr. Hemker questioned if they could incorporate no camping in parking lots with this ordinance.

He noted that he has seen people camping in the Wal-Mart parking lot. Mr. Quinn stated that this is a violation of the zoning district.

Mr. Hicks questioned if this would impact the cars for sale around Jerry's Barber Shop. It was noted that there is still a judgment for a certain number of cars. Mr. Quinn stated that Jerry abandoned it because there was a pizza parlor in there. He stated that under the new used car dealer licenses that they saw with the motorcycle place, Jerry no longer qualifies as a used car dealership because he does not have the space either inside or outside.

Mr. Young asked if there were any public comments.

Chris Roberts, 56645 McKenzi Lane, stated that this is a little tough to swallow. He stated that he does agree with the fact that cars are being parked on lots without the owner's permission but felt that if they did have owner's permission they should be allowed to park there. He stated that he lives down a private lane and felt that in order to get someone down there to look at a car that he has for sale he would have to block off Milford Road. He stated that they need to give people the opportunity to sell their cars. He stated that if the owner of the property where the car is being parked does not have a problem with it, then why should the Township.

Shirley Baker, 27239 Stancrest, felt that this is probably a good ordinance but felt that it is too restrictive. She felt that if the owner gives permission then it should be okay.

Darcy Hollon, 24300 Martindale Road, stated that she looks out her window and sees cars going down Martindale faster than what they should. She stated that the Township does not have enough Sheriff Deputies to handle the traffic violations. She stated that she really does not want to see the Deputies taken off traffic violations to be policing this ordinance. She felt that this ordinance is going to make a lot of residents mad.

Mr. Hemker stated that there are other places that are much stricter than this. He cited a few examples.

Mr. Young stated that this issue has had a lot of debate on it and felt that it is a controversial issue. He stated that there is always the fear that they will make things too restrictive. He felt that there are more abusers out there that this ordinance will affect than non-abusers. He stated that he is supportive of putting something in place like this.

Ms. Johnson expressed her opposition to this. She stated that she was opposed to this two years ago and is still opposed to it. She felt that if they want to do something like this they should start with the industrial and commercial areas and don't usurp the average homeowner. Ms. Carcone concurred with Ms. Johnson's comments.

There was further brief discussion with regard to this issue.

Roll Call Vote: Ayes: Cash, Hemker, Hicks, Young
 Nays: Johnson, Schilling, Carcone

Motion approved.

e. Authorize Attorney to Compose Ordinance Regarding Petitioners in Arrears

Mr. Schilling read the following e-mail that he sent to Mr. Olson with regard to this issue:

" Any person(s) and/or company seeking to be placed on any Lyon Township Board or Commission Agenda (ie: Board of Trustees, Planning Commission, Zoning Board of Appeals) must not owe the

Township monies. This would include over extension on deposits/retainers/escrows, back taxes, etc.

The person(s) and/or company would receive notification from the Township in writing (e-mail or US Postal) stating monies owed.

The exception to the rule is if the request to be placed on the agenda directly addressed the reason for past due monies. No other items can be addressed until both parties agree on the terms for the past due monies.”

Mr. Schilling made a motion to authorize the Attorney to draft an ordinance regarding petitioners in arrears. Ms. Carcone supported the motion.

Mr. Young asked if there were any comments regarding the motion. Mr. Young felt that the line “must not owe the Township monies” is too general. He stated that there are instances that money is owed to the Township, but it is not in arrears. Mr. Schilling stated that he would look to the Attorney to wordsmith this better than what he did.

Mr. Olson briefly discussed how this will be handled internally with regard to notice to the petitioners.

Ms. Carcone stated that she concurs with doing this. She stated that the Township cannot carry the burden of being short of money for anything. She noted that a developer owes the Township over \$26,000 for drainage issues and they are not paying.

Roll Call Vote: Ayes: Hemker, Cash, Hicks, Schilling, Carcone, Johnson, Young
 Nays: None

Motion approved.

f. Set Workshop for Lyon Crossing Commercial Development – PD Amendment

Mr. Young stated that representatives from Lyon Crossing have met individually with some of the Board member to try and stress their feelings as to why the PD should be amended. He stated that it was suggested that they have a joint meeting between the Township Board and the Planning Commission to allow the potential petitioner to make his case before both bodies.

There was brief discussion with regard to scheduling a special joint meeting. It was determined that they would schedule a meeting on Thursday, May 12, 2005 at 6:00 PM.

Mr. Young made a motion to schedule a special joint meeting for Monday, May 12, 2005 at 6:00 PM for the Township Board and the Planning Commission. Mr. Cash supported the motion.

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

Chris Roberts, 56645 McKenzi Lane, questioned if group meetings have ever been done before with regard to amendments. Mr. Young responded that they have done this before. He stated that the developer still has to go through the process.

Mr. Schilling questioned if the DDA should be included in this meeting.

Mr. Young amended his motion to have a special meeting with the Township Board, Planning Commission and DDA to review Lyon Crossing. Mr. Cash supported the amendment to the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

g. Building Official Nomination

Mr. Olson stated that they had the opportunity to review the materials and interview three candidates earlier this evening. He stated that in light of what they have done with the posting of the position of Building Official, he stated that all three of the finalists brought different things to the table to consider. He stated that he felt that candidate James Zielke provided the best fit and combination of skills for Lyon Township at this point in time. He stated that he would recommend that the position be offered to James Zielke pending the positive outcome of the criminal background check, passage of pre-employment physical and the negotiation of a mutually acceptable salary.

Mr. Cash made a motion to approve Superintendent Olson's recommendation of James Zielke for Building Official/Zoning Administrator subject to the conditions stated by Superintendent Olson. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments regarding the motion from the Board. Ms. Carcone stated that she is not ready to make a determination tonight. She stated that she has thought about this a lot, even though Mr. Young made copies of the information for her, she did not officially get the information from Mr. Olson until Sunday. She stated that even though she had the opportunity to meet the three candidates tonight, she felt that until their investigation is done, she would not want to offer a job to somebody. She briefly discussed the process that they went through when they hired the Superintendent. She stated that, personally, she would want to have all their ducks in a row before they hire for this position. She stated that she would like to check out some of the references herself.

Mr. Hicks stated that he felt that the sub-committee did a great job in lining up these three candidates. He stated that he does not doubt that there are some good ones out there, but sometimes they need to make a decision. He stated that they are in need of a new Building Official/Zoning Administrator. He stated that he does trust the judgment of the sub-committee and the recommendation of the Superintendent.

Mr. Schilling questioned how long will it take to do the due diligence. Mr. Olson responded that it should not take long.

Mr. Cash felt that they need a procedure in place for situations like this.

Mr. Quinn stated that with regard to the issue of a conditional offer of employment, the candidate would not start work until all the conditions have been met. He stated that the way the motion was made there are three conditions. Until all of these conditions are met, nobody is hired and starting to work.

Mr. Young stated that he went through the interview process with Mr. Olson and the candidates, and felt it was very grueling. He stated that he does have to give Mr. Olson credit because he did an excellent job in covering every facet of the position. He stated that based on this he felt the process was very thorough. He felt that under the circumstances, the recommendation made by Mr. Olson tonight is the right one and he would support it.

Mr. Schilling made a motion to postpone the decision until the May 12th meeting to allow time for the due diligence to be completed. Ms. Carcone supported the motion.

Mr. Young asked if there were any comments regarding the motion by the Board. There were none.

Roll Call Vote: Ayes: Schilling, Carcone, Hemker, Johnson
 Nays: Young, Hicks, Cash

Motion approved.

h. Purchase of REU Capital Charges back from Thomas and Christina Koster

Mr. Olson reviewed the information indicated in his memorandum to the Board of Trustees dated April 26, 2005 regarding this issue. He noted that he did provide a lot of background information on this issue.

Ms. Carcone made a motion to pay back to Thomas and Christina Koster the full amount of the total assessment in the amount of \$22,811.32 coming out of the Sewer Enterprise Fund. Mr. Hemker supported the motion.

Mr. Young asked if there were any comment regarding this issue.

Mr. Quinn stated that the Township's portion was actually spent and is in the ground. He stated that he can see buying back the portion that went to Harris because the Township could then resell it. He stated that the Township's portion cannot be resold.

Mr. Olson stated that the ordinance would limit the Township to buying back \$17,100 for the REU's and nothing for the pipe that has already been placed in the ground. He stated that what they really have here is a disclosure issue that is not really the Township's problem.

Mr. Quinn stated that the Township can only buy back the REU's at \$5,700 each. He stated that this is the only thing that the ordinance will allow the Township to do is buy back the REU's at the price that was paid for them.

Ms. Carcone gave a brief history of what happened with this and how it got to where it is today. She felt that this is the exception to the rule because this is somebody who really got something they had no idea that they bought them, do not want them and are responsible for them. She felt that they need to make a wrong a right. She felt that they need to do what is right by the residents. She also felt that the Koster's deserve to get the money back.

Mr. Hemker questioned how close the in-the-ground pipe comes to this property. Mr. Olson responded that it is not even near it. Mr. Hemker questioned how they can be charging these people for something that is not even close to where they are.

Mr. Young stated that he does understand Ms. Carcone's passion about this and that it does make sense. He questioned, because the way that the ordinance is written, if they can legally do this. Mr. Quinn responded that they can legally buy back the REU's at \$17,100. Mr. Young stated that if they were to do anything more than this, then they would be in violation of the ordinance.

Mr. Cash felt that the person who sold the property should be on the hook for failure to disclose.

After further discussion of this issue, Mr. Young made a subsidiary motion.

Mr. Young made a motion to postpone this issue to the next regular meeting to allow time to find out legally what the Board can do. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

14. ITEMS REMOVED FROM CONSENT AGENDA FOR ACTION OR DISCUSSION

- Groundwater Monitoring – Annual Contract with Insight Environmental

Mr. Olson explained that this is a mandated thing that they have to do for monitoring the wells at the wastewater treatment plant to make sure that the Township is in compliance. He stated that Insight has provided a per quarter estimate of \$13,495.00. He stated this is in line with past contracts as well as within the budget set in the sewer operating fund. He stated that according to the State they have to do this.

Mr. Schilling made a motion to approve the groundwater monitoring annual contract with Insight Environmental. Mr. Hicks supported the motion.

Roll Call Vote: Ayes: Young, Hemker, Schilling, Hicks, Johnson, Cash, Carcone
 Nays: None

Motion approved.

15. EXECUTIVE SESSION REGARDING UPDATES ON CURRENT LITIGATION AND PROPERTY ACQUISITION

Ms. Carcone made a motion to adjourn the regular meeting and go into an Executive Session. Mr. Schilling supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The meeting was closed at 9:54 PM.

The executive session was opened at 10:03 PM.

The executive session was closed and the regular meeting adjourned at 11:00 PM.

16. ADJOURNMENT

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary

Pamela Johnson
Clerk