

**CHARTER TOWNSHIP OF LYON  
BOARD OF TRUSTEES  
MEETING MINUTES  
August 8, 2005**

Approved as submitted September 6, 2005.

DATE: August 8, 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  
John Hicks, Trustee  
Troy Schilling, Trustee

Absent: Brent Hemker, Trustee (excused)

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: 58

4. **APPROVAL OF THE CONSENT AGENDA**

- Approval of Special Meeting Minutes of June 30, 2005
- Approval of Regular Meeting Minutes of July 5, 2005
- Approval of Disbursements
- June Revenue/Expense Report
- Cash Balance Report through June, 2005
- Fire Department Report for June, 2005
- Building Department Report for June, 2005
- Zoning Enforcement Report for June, 2005
- Sheriff Department Report for June, 2005
- Engineer Status Report for July, 2005
- Earth Tech Reports for May and June, 2005
- HAVEN Contract for 2005-06

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

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

Absent: Hemker

Motion approved.

**5. ANNOUNCEMENTS AND COMMUNICATIONS**

Ms. Johnson congratulated the Hemker family on the birth of their fifth child last Monday.

Mr. Hicks congratulated Ms. Carcone who received her CPFA (Certified Public Financial Administrator).

**6. CALL TO THE PUBLIC NONE**

**7. APPROVAL OF AGENDA**

Because of the length of the agenda, Mr. Schilling made a motion to limit presentations by applicants to 15 minutes. Ms. Carcone supported the motion.

Mr. Young 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.

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

Motion approved.

The following item were added to the agenda:  
- Martindale Road Speed Limit

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

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

Motion approved.

**8. Public Hearing on the Assessment Roll for the Eleven Mile Paving and Milford Road and Spaulding Road Water Improvements Special Assessment District**

Ms. Zawada explained that this the SAD for the proposed paving of Eleven Mile Road and for the Milford Road and Spaulding Road water main. She explained the route of the water main using a map displayed on the overhead projector. The total cost of this SAD is \$3,467,582. She stated that this only affects the Elkow property and the Ivanhoe property. None of the individual residents will be assessed.

Mr. Hicks made a motion to close the regular meeting and open the public hearing for the assessment roll for the Eleven Mile paving and Milford Road and Spaulding Road water improvements SAD. Mr. Schilling supported the motion.

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

Motion approved.

The regular meeting was closed and the public hearing was opened at 7:09 PM.

There were no public comments. Mr. Young closed the public hearing at 7:10 PM.

**9. Public Hearing for Mill River Sewer and Water Improvements Special Assessment District**

Ms. Zawada explained that the location of this SAD using a displayed map of the project. She stated that this is for the residential portion of the development. It will include all the off-site and all the on-site sanitary sewer, water main, a pump station and their capital charges. The total estimated cost for this SAD is \$7,731,100.

Mr. Hicks made a motion to close the regular meeting and open the public hearing for the Mill River sewer and water improvements SAD. Ms. Carcone supported the motion.

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

Motion approved.

The regular meeting was closed and the public hearing were opened at 7:12 PM.

There were no public comments. Mr. Young closed the public hearing at 7:13 PM.

**10. UNFINISHED BUSINESS**

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

Mr. Quinn explained that this resolution will confirm the roll for the amount of \$3,467,582. He stated that there are seven parcels of property located within this district. This is a 10 year SAD with the payments running through 2015. This resolution is in a proper form for the Board's consideration.

Mr. Cash made a motion to adopt the resolution confirming the roll for the Eleven Mile Paving and Milford Road and Spaulding Road Water Improvements Special Assessment District Roll in the amount of \$3,467,582. Ms. Johnson supported the motion.

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

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

Motion approved.

**b. Resolution Determining Sufficiency of Petitions and Necessity of Improvements and Designating Special Assessment District for the Mill River Sewer and Water Improvements Special Assessment District**

Mr. Quinn explained that this resolution determines that there was 100% of the property owners signing this petition and that the sewer and water improvements are necessary in the amount of \$7,731,100. This resolution is in a proper form for the Board's consideration.

Mr. Cash made a motion to adopt the resolution determining sufficiency of petitions and necessity of improvements and designating special assessment district for the Mill River sewer and water improvements special assessment district in the amount of \$7,731,100. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments regarding the motion. Mr. Hicks questioned if the sewer will be providing taps for the Library property. Ms. Zawada responded that the capital charges are only for the residential portion of this development. She noted that all of the sewer construction is to be included in this SAD.

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

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

Motion approved.

**c. Resolution Setting Hearing Date on Special Assessment Roll for the Mill River Sewer and Water Improvement Special Assessment District**

Mr. Quinn explained that this resolution will set the public hearing for the next regular Board meeting, which is September 6, 2005. The notice of this hearing will be posted in the newspaper twice and written notice will be sent out to the property owners. This resolution is in a proper form for the Board's consideration.

Mr. Cash made a motion to adopt the resolution setting hearing date on special assessment roll for the Mill River sewer and water improvement special assessment district. Mr. Hicks supported the motion.

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

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

Motion approved.

**d. Hire and Fire Policy and Procedures**

Mr. Olson stated that he has provided the Board with a memo of recommendation for the Building Official position for an interim period. He stated that Al Hogan, current Building Inspector, is the candidate he is recommending for an interim period of six months. He stated that also provided to the Board is some background information regarding salary. He stated that he did have a conversation with Mr. Hogan with regard to salary range, which is between the current salary and the Building Official salary that was set earlier this year. He noted that Mr. Hogan indicated that he is interested in the position.

Mr. Hicks made a motion to they appoint Al Hogan to the position of Building Official for an interim period of six months with a salary of \$52,000. Ms. Carcone supported the motion.

Mr. Young asked if there were any comments regarding the motion. Since this is an interim position, Mr. Cash questioned what they planned on doing for the future. Mr. Olson responded that this is an opportunity for Mr. Hogan to try the position and also an opportunity for the Township to see how

things go. He stated that a final decision would be made in six months. He also recommended that they review this in three months to see how things are going.

Mr. Hicks questioned certification. Mr. Olson responded that Mr. Hogan does have his Building Official certification. He noted that this was never an issue. He stated that Mr. Hogan is a State registered Building Official.

Ms. Carcone questioned if they will be reviewing salary for this position at the three month period. Mr. Olson responded that this could be done, if this is the Board's pleasure.

Ms. Carcone questioned if Mr. Hogan will be doing all the work that Larry Phillips did. Mr. Olson responded that he has been doing some of the zoning administration. He noted that Mr. Hogan has placed a memo on the Building Department's counter, of his own accord, indicating that there will be an on-site inspection done before any construction is begun. He stated that he does not have any problem handing the work over to Mr. Hogan.

Ms. Carcone questioned who will be doing the inspecting, if Mr. Hogan will be assuming all of Larry Phillips responsibilities. She also questioned if this will be taken care of within the Building Department's budget. Mr. Olson responded that the Building Department is always handled by the Building Department. He stated that Code Enforcement Services has been doing some of the industrial and commercial site plan reviews. He stated that Mr. Hogan has been doing the field inspections and the residential reviews.

Mr. Hogan stated that he does the residential reviews and that they farm out the commercial and industrial plan reviews to a source that they have found that is very qualified to do this. He stated that what they are proposing is for a part-time, on-call inspector that would be paid per inspection. He noted that the cost per inspection would be \$25.00 per inspection. It was noted that on-call electrical and plumbing inspections are \$30.00 per inspection. Mr. Olson felt that they should raise the \$25.00 per inspection to \$30.00 per inspection so that they match.

Mr. Schilling asked Mr. Hogan if he sees anything that need improvement in the department, which he could bring a presentation to the Board. Mr. Hogan responded that a vehicle would be an important part. He noted that continuing education is also important. He stated that with all the construction that will be happening next year and if he is to continue as Building Official, they will certainly need to hire a full-time building inspector. Mr. Olson noted that the building fees cover the costs of the Building Department, so this should not be a problem.

Mr. Olson noted that the Board will have to make a motion to increase the site plan per inspection fees from \$25.00 to \$30.00 so that they will match the electrical and plumbing fees. There was brief discussion and the Board determined that this part is not on the agenda this evening and should be brought back at the next meeting.

Ms. Johnson stated that she has problems with the "interim" idea. Mr. Hogan stated that he does understand that this is an interim position for six months.

Mr. Young asked if there were any public comments.

Shirley Baker, 27239 Stancrest, questioned what time period does the \$52,000 cover. Ms. Carcone responded that would be an annual salary.

Ms. Johnson questioned the effective date of the salary.

Mr. Hicks amended his motion to state that the salary is effective as soon as possible. Ms. Carcone supported the amendment to the motion.

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

Motion approved.

**e. Policy for Streetlights**

Mr. Olson explained that before the Board this evening is a rough draft of a proposed policy for streetlights. He briefly reviewed some of the information contained in the draft.

Ms. Carcone suggested that they form a sub-committee to look at this issue and then bring their findings back to the Board. She noted that there are too many variables for them to make a decision this evening.

Ms. Carcone made a motion to establish a sub-committee for a streetlight policy. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments regarding the motion. Mr. Olson questioned if this is the general direction that the Board would like to go with this issue. Ms. Carcone stated that she felt that this is a good idea and a good start.

There was brief discussion with regard to who will be on the sub-committee. It was determined that the sub-committee will be comprised of a two Board members (Ms. Carcone and Mr. Hicks), a Planning Commissioner, a member of the DDA, Mr. Olson and Mr. Doozan.

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

Motion approved.

**f. North River Properties – AP-05-18 – Rezoning Request from R-1.0, Single Family Residential, to I-1, Light Industrial District – Second Reading and Proposed Adoption.**

Mr. Doozan gave a brief history of this project. He noted that at last month’s meeting the Board felt that this is appropriate and that it is consistent with the Township’s Master Plan Future Lane Use Map. He stated that it is consistent with the industrial land use zoning. He recommended that the Township Board approve the second reading and adoption of this.

Mr. Cash made a motion to approve the second reading and proposed adoption of AP-05-18, North River Properties, zoning request from R-1.0, Single Family Residential to I-1, Light Industrial District. Mr. Hicks supported the motion.

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

Motion approved.

**g. Second Reading and Proposed Text Amendment Regarding Outdoor Display and Storage of Recreational Vehicles, Article 19.00 and 33.00**

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated June 28, 2005 regarding this issue.

Mr. Hicks made a motion to approve the second reading of the proposed text amendment regarding outdoor display and storage of recreational vehicles, Article 19.00 and 33.00. Ms. Carcone supported the motion.

Mr. Young asked if there were any comments. He stated that this is not a permitted right, it is a special land use and is available to the applicant if approved by the Board.

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

Motion approved.

#### **h. Tanglewood Golf Community, AP-05-15 – Revised & Restated PD Agreement – Second Reading**

Mr. Doozan explained that this clarifies the agreement with Tanglewood Planned Development. It is intended to replace the original PD Agreement of March 4, 1991 and the amendments of 1992 and 2003. He stated that it is not intended to expand the size of the PD or increase the number of units that are already approved.

Mr. Cash made a motion to approve the second reading of Tanglewood Golf Community, AP-05-15, revised and restated PD agreement. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments. Ms. Carcone noted that Mr. Freund would have been here, but he had a class tonight. She noted that he called her earlier today.

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

Motion approved.

#### **i. Ballot Question for November 8<sup>th</sup> Election – Trustee Cash**

Mr. Olson stated that what the Fire Department is proposing is to move from a paid-on-call department with only one full-time Chief and full-time Inspector to having full-time firefighters along with paid-on-call. He briefly explained the two proposals submitted. He stated that the current Fire Department budget under the General Fund is approximately \$700,000. He stated that one of the things that this is intended to do is to cut the response time in half. He stated that the Board will have to look at these items and authorize a ballot question.

Ms. Carcone made a motion to have the Township Attorney draw up petition language for an item of Budget A and Budget B for the school election on November 8, 2005. Mr. Schilling supported the motion.

Mr. Young asked if there were any comments. Ms. Carcone asked Mr. Quinn what will be in these. She stated that they won't be approving line items. Mr. Quinn responded that the Board will approve alternative language for each (Budget A and Budget B). He stated that if the Board wanted to, instead of guessing what millage is needed, they could put a cap on a millage by saying that it is not to exceed a certain amount.

Ms. Carcone stated that she is not supporting all the line items, but she is supporting putting this on the ballot for the residents to vote on it. She questioned how many years this would be on the ballot. Mr. Quinn responded that all they are really doing on the ballot is putting in a millage. The Board can put a time limit on it if they wish, otherwise, it is there indefinitely. He stated that if it ever needed to be supplemented later, it would then be fire millage number two.

Mr. Quinn stated that if both budget ballot questions are put on the ballot, the one that receives the most votes is the one that is adopted. It will be two separate ballot proposals. Mr. Hicks noted that both could be defeated also. Mr. Young stated that if they both pass, then the one that received more votes wins.

Mr. Young proposed that this be portrayed as an operating millage. He stated that he does not have a problem delineating, based on the motion, a full-time or non-full-time. He felt that if they leave it strictly as an operational question, it would give the Fire Department the option to refurbish equipment automatically.

Mr. Olson stated that the Planning Commission has been updating the Master Plan. He noted that there is a section in the Master Plan that discusses different levels of hazardous occupancies. With regard to high hazard occupancies, it is noted that these should not be more than 3/4 to 1 mile of an engine, hose or ladder company. He stated that the first piece of apparatus should be able to be there within five minutes of the alarm. He stated that with full-time fire fighters this work better than if they had to wait for on-call fire fighters to get to the station.

Mr. Young briefly discussed an article from the Fire Chief's Magazine. He noted that it was a very good article.

Ms. Carcone stated that Ms. Johnson indicated that they have to pay proportionate share with the school for the election. Ms. Johnson stated that the money will come out of the election fund. Ms. Carcone questioned if they want to put a duration on this. Mr. Olson responded that could do 20 or 25 years. Mr. Quinn felt that the duration should be indefinite.

Mr. Young asked if there were any public comments. Bob Moody, 25808 Milford Road, questioned if any of the other communities in the area have volunteer and full-time employees. Mr. Young responded that there are a lot of them that do.

Shirley Baker, 27239 Stancrest, asked for clarification of the salaries listed under Budget A and Budget B as to what the figures mean. Mr. Cash explained the differences.

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

Motion approved.

**j. Auto dialers at Five Existing Pump Stations and Waste Water Treatment Plant**

Ms. Zawada stated that at the last meeting there were some questions about the technology of this. Dave Dupuis, Earth Tech, explained how the auto dialer system will work.

Mr. Young questioned, from a reliability standpoint, is option 1 or 2 more reliable than the other. Mr. Dupuis responded that he really can't answer this. He felt that Oakland County does a good job contacting them if an alarm does go off. He stated that the Township will have a 2-1/2 to 3 year payback, if they were to go with option 2. If they go with option 1, they will still be paying the fees to Oakland County as opposed to owning the system.

Ms. Carcone questioned the ongoing operating fee for the phone service of \$3,600. Mr. Dupuis responded that this is only for option one. He noted that option two eliminates the phone line with Oakland County. Option two will require approximately \$20 to \$25 in fees for a phone line dedicated strictly to the alarm. With regard to minimal costs mentioned at the last meeting, Mr. Dupuis stated that this would be for the electricity and an additional dedicated phone line that it takes to run the system. Minimal costs would be one phone line and whatever the electric costs would be to run the system.

Ms. Carcone made a motion to expend \$14,542 for auto dialers at five pump stations and the waste water treatment plant which includes the 10% contingency fee as recommended by the engineers, Giffels-Webster, in a letter dated February 24, 2005, which is accepting option two. Mr. Cash supported the motion.

Mr. Young asked if there were any comments. He questioned as they add pump stations to the expanding system, what is going to be the Township's cost per pump station. Mr. Dupuis responded that it would be purchase of the unit and installation. Mr. Young questioned if these costs will be rolled into the construction costs. Mr. Dupuis responded that he would assume so.

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

Motion approved.

**13. NEW BUSINESS**

**a. Timber Trail Site Condominium – Approval of Master Deed and Bylaws**

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated August 1, 2005 regarding this issue.

Mr. Quinn stated that his only comment would be to remove the Township from the signature block on page 14 of the Master Deed. He stated that the Township has never done this before.

Mr. Cash made a motion to approve the Timber Trail Site Condominium Master Deed and Bylaws including the comments made by Legal Counsel. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments. There were none.

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

Motion approved.

**b. Walnut Creek Estates at Woodwind Condominium – Amendment to Approved Woodwind Planned Development**

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated July 6, 2005 regarding this issue.

Mr. Schilling made a motion to approve Walnut Creek Estates at Woodwind Planned Development

revised final site plan with a security gate at both the Ten Mile Road and the Johns Road entrances.

Mr. Hicks supported the motion.

Mr. Young questioned if there were any comments. Mr. Quinn stated that on the blueprint that was submitted, it did not show the gate on the Johns Road entrance. Ray Cousineau responded that after approval this evening, they will modify the drawings and submit them as well as the landscape drawings to the Township for final approval. Mr. Quinn noted that this would really be a first reading because this is a zoning ordinance amendment.

Mr. Schilling amended his motion to note that this is a first reading. Mr. Hicks supported the amendment to the motion.

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

Motion approved.

**c. Resolution of Tentative Declaration of Intention to Make Improvements for Martindale Road Low Pressure Sewer Special Assessment District**

Ms. Zawada explained the route of this proposed sewer. She noted that there are nine property owners, seven of which have signed the petition. This represents 92% of the district. The cost estimate is approximately \$160,000 for this project.

Mr. Quinn stated that the resolution in front of the Board is the tentative declaration of intention to make improvements and calls for a public hearing on September 6, 2005. He noted that there will be two publications in the South Lyon Herald and a notice sent out to all the nine subject properties.

Mr. Hicks made a motion to adopt the resolution of tentative declaration of intention to make improvements for Martindale Road low pressure sewer special assessment district. Mr. Schilling supported the motion.

Mr. Young asked if there were any comments. Mr. Hicks questioned how this came about. Ms. Zawada responded that this has been ongoing for awhile. She noted that the petitioners are in the audience this evening.

Ms. Carcone questioned why this was not included in the Timber Trail. Ms. Zawada responded that this was not ready. Ms. Carcone noted that if more could be put together, it would be better.

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

Motion approved.

**d. Planned Development Regulations – First Hearing**

Mr. Doozan stated that the Planned Development Regulations have bounced back and forth between the Planning Commission and the Board. He stated that they are now in a form that the Board can take action on. He reviewed some of the changes that have been made, which are outlined in the McKenna Associates, Inc. letter dated July 12, 2005.

Mr. Cash made a motion to consider this the first reading of the Planned Development Regulations. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments. He stated that this looks like this was a team effort and that they have a real good product. He asked for clarification of the 5% density increase. He stated that he understands this to read that if a developer comes in with a planned development, they are automatically going to get a 5% density increase. Mr. Doozan responded that they do not automatically get a 5% density increase, the developer still has to earn this.

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

Motion approved.

**e. Consideration of Changes to Park Land Donation – Elkow PD**

Mr. Olson explained that in the Board's packet there is a memorandum with a colored map. He stated that the important thing would be the map and the differential area. He briefly discussed the map and the conservancy areas.

Lisa Frasier, Oakland Land Conservancy, stated that they were asked by the Township over two years ago to come in and help the Township protect their green infrastructure. She noted that they have worked very closely with the Township with regard to the Elkow property.

Mr. Quinn explained the possible considerations for motion. He stated that one could be to leave the draft of the conservation easement as it is, which includes all of the property. The alternative consideration would be to remove the active area from the conservation easement and then direct the Planning Commission to include this as park land in the Master Plan.

Mr. Cash made a motion to remove the active use easement from the conservation easement and direct the Planning Commission to include this area as park land in the Master Plan. Ms. Carcone supported the motion.

Mr. Young asked if there were any comments. Mr. Hicks questioned how this issue came about. Mr. Quinn responded that he is not really sure who initiated this.

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

Motion approved.

**f. Milford Road West – AP-05-19 – Lyon Crossing – Requested Amendment to PD (Planning Commission recommended denial on June 27, 2005)**

Mr. Doozan summarized the information contained in the McKenna Associates, Inc. letter dated August 1, 2005 regarding this issue.

Tony Antone, Kojaian, gave a Power Point presentation of the proposal. He began with a history of the property and what has happened since Kojaian purchased the property. He reviewed the marketing campaign that they have followed in trying to get companies to develop on this site. He indicated that some of the downfalls with this property are:

- it is next to a landfill,
- nobody wants to come there because of Wal-Mart,
- this property is what is called a "tweener" location (sits between Novi & Brighton),
- no freeway frontage/visibility.

Mr. Antone stated that they began to look at auto dealerships. He stated that dealerships today are a very clean use, referring to Liberty Chevrolet. Dealerships generate much less traffic than big box stores and they bring good quality jobs to the Township. He discussed the possibility of granting an easement for a proper entrance into the cemetery.

Mr. Antone stated that Ms. James asked him to layout what Kojaiian would do for the Township if they were allowed to do this. He stated that the biggest thing that they can do for the Township is put an end to the drainage problems at the main intersection into the Township. He stated that five years ago they were asked to build a ring road around this site, which they did. He stated that they have been asked to pay for the fixing of the intersection, which really did not sit well with them, since they did spend so much to put in the ring road. He stated that their share of the SAD would be approximately \$260,000, which they felt was way too much. He noted that Kojaiian's engineers and Giffels-Webster Engineers got together and with some figuring that gave them credit for the ponds, the approximate cost came down to \$180,000, which is still far more than what they had ever anticipated paying.

Mr. Antone stated that Kojaiian made a decision, that if they were allowed to expand their options on the site and go after dealerships, then they would sign on the dotted line and allow the Township to get the grant and move forward for the benefit of everyone. He noted that he sits on one DDA, which is Lyon Township and he really does care about Lyon Township.

Fred Neuman, Chrysler Realty a subsidiary of Daimler Chrysler Corporation, stated that they would like to construct a high quality project at this location, with the Board's approval. He stated that this would be an \$8,000,000 to \$10,000,000 project that would compliment the community. He stated that they feel that the current location is the best location for them and would like to request the Board's approval for them to move forward with this project.

Mr. Schilling made a motion to deny the request for an amendment to the PD for Milford Road West, AP-05-19, Lyon Crossing, based on the following:

- It does not meet the plan for Lyon Crossing Planned Development envision for a walkable community, which would be diminished.
- It would not achieve the mix of retail that is desired.
- The Planning Commission did not send a recommendation for neither three or even down to one dealership to the Township Board.

Mr. Hicks supported the motion.

Mr. Young asked if there is any discussion or debate. Mr. Hicks stated that he feels that this is premature. He stated that they have a New Hudson plan that has gone through several modifications over the past ten or twelve years. He stated that they are very close now to getting the DDA approved. He stated once Arby's is constructed, it may start something on this side. He stated that he feels it is too early to give up the plans that they have worked on for so many years.

Ms. Carcone stated that she can support one dealership on outlot #10, which is the farthest lot and abuts the landfill and the methane plant. She stated that she is not a big proponent for big box stores. She stated that they don't provide good income for the residents. She stated that the traffic is horrendous. She stated that a dealership is a huge tax benefit for the Township. She stated that she would be a proponent of one dealership.

they Mr. Cash stated that he supports the car dealership. He stated that back when this first started wanted the ring road in, which was a great investment by Kojaian and has been a great benefit to the Township. He stated that there are substantial holding costs for this property. He stated that everybody talks about a walkable community, but did not feel that this would happen without the density, and everybody is anti-density. He further discussed the density and walkable issue. He stated that he would hate to see the Township lose the tax base that this dealership will bring by them going to a different community.

Ms. Johnson stated that she has talked to many residents within the community. She stated that there are a lot of them that are totally opposed to this situation, or feel that this could be a good area for them. She stated that her personal feeling is she could be for one dealership. She stated that she concurs with comments made by Ms. Carcone.

Mr. Schilling stated that the applicant has stated in several of his presentations that it was "all or nothing" for three dealerships. He stated that with this the view of a motor mall comes to mind, which is something that he would not like to see. He stated that the others have made comments that they could approve one dealership, but he did not feel that they were looking at the whole picture. He stated that there are other areas where dealerships will come. He stated that if they close this area out for a dealership, they take away a large piece of property that would be available for what they originally planned.

Mr. Young stated that they have been dealing with this whole area for about ten years, starting with the Langans. He stated that his vision is to have some sort of a walkable downtown area. He stated that because of the large parking lots for big box stores, this is probably not going to be the walkable area. He stated that he spoke to someone from Target, who basically told him that they would not touch this area. He stated that it was alluded to that Wal-Mart is a predator. He stated that there are deed restrictions put on the west side by Wal-Mart so that a grocery store cannot go in there. He stated that he would be willing to try one dealership on outlot #10. He stated that he still does have hopes for a big box store and restaurants on the west side as well.

Mr. Antone stated that a lot has happened since they first brought this idea to the Township. He stated that he has sat down with numerous members of the Planning Commission and dozens of residents to get a better understanding of their mindset on this issue. He stated that it is not "all or nothing" for them anymore. He stated that they have stepped back and re-looked at this. He is hopeful that by putting one dealership on the west side, it will help bring other retailers to this site.

Mr. Antone stated that he was copied on a lot of letters from businesses across the street who are in support of this, Applebee's, Blockbuster, Jonna's, Discount Tire, Sunoco, Standard Federal, Flagstar and Lowe's.

to Mr. Schilling held up a binder and asked if this was ever looked into. Mr. Antone responded that he did not know anything about that. Mr. Olson explained that this proposal came in after the last Planning Commission meeting. He stated that he had mentioned in some of his communications the Board about this City Center Recreation/Medical Rehabilitation Complex, that may be a possibility. He noted that they did come in and give a presentation to him. He stated that this could be a possibility for five acres. Mr. Schilling stated that there have been a lot of people who have expressed interest in something like this.

Mr. Young asked if there were any public comments.

Melissa Lambrecht, 57860 Twelve Mile Road, stated that dozens of residents spoke out at the

Planning Commission meeting against this. She questioned who Mr. Antone has talked to that is in favor of this because her neighbors and friends are dead set against this. She stated that they do want a walkable, usable downtown without dealerships. She stated that she is curious as to whether Liberty and Hines are in support of this, but doubts it. She further expressed her reasons as to why she is opposed. She stated that she likes the idea of a community center and felt that it would bring the community together.

Ms. Carcone stated that she has actually talked with Jay Feldman of Liberty Chevrolet to see how he felt about the idea of another car dealership coming here. She stated that Mr. Feldman told her that it is good for him because people come when they want to look and shop for cars.

People

are coming to look for the kind of car that they want.

Ruby Templeton, 29920 Milford Road, questioned how they can have a walkable community when there are three roads crossing. She questioned where people will be able to cross the street.

Steve Englehart, Englehart Realty, stated that he has worked with the Kojanian Company for about 25 years. He discussed some of the steps that they have taken in trying to get businesses here. He stated that there has been a lot of marketing for this property.

Shirley Baker, 27239 Stancrest, questioned if the dealership design could look like it was part of the downtown walkable community, this may satisfy both sides. She briefly discussed the hours that a dealership is usually open.

Stacy Adams, 27419 Pond Drive, stated that everybody keeps talking about nobody coming here because of the proximity to the landfill. She noted that she brings her kids to the park to play. She stated that if one dealership is let in, then more will want to come in. She stated that she does not want to see the Township become like Troy with its motor malls. She stated that she would like to see a walkable downtown with possibly a recreation center. She stated that she is against all dealerships.

Mark Szerlag, Thomas A. Duke Company, stated that he does not think that there is a person in this room that does not want a downtown walkable community. He stated that this is something that all the residents want. He stated that when they look at downtown areas in communities, they are defined areas, through the center of town, i.e., Howell, Brighton, Northville, Birmingham. He stated that a main road goes right through the center of these towns. He stated that downtown users are smaller retailers, specialty shops, small restaurants, etc. He felt that this could all be accomplished all along Grand River, where it should be.

Robin Allen, 28550 Tindale Trail, stated that nobody put a gun to the developer's head to buy this property. He stated that they let Wal-Mart in. He stated that he does not want to see anymore car dealerships, and felt that the two they have are too many.

Brad Rosenberg, Landmark Commercial Realty, stated that this is a "tweener" site. He stated that everybody goes to either Novi or Brighton. He stated that they listed the property for approximately 18 months and tried everybody. He stated that some of the businesses they solicited are The Gap, Borders, Chico's, Old Navy, Victoria's Secret and Bath and Body Works. He stated that they tried to get them to come here, but couldn't.

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

Motion failed.

Mr. Cash made a motion to approve one car dealership on the west side, Lyon Crossing, and within the confines of the description in the manual, retail along Grand River and along Milford Road stays intact. There was no support for the motion.

Mr. Young made a motion to approve outlot #10 for dealership use and amend the PD accordingly with the stipulation that all the conditions cited by the Planning Commission and mentioned in the McKenna Associates, Inc. letter dated August 1, 2005 be complied with. Ms. Carcone supported the motion.

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

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

Motion approved.

**g. Quotes for Contracted Services – Trustee Schilling**

Mr. Schilling explained that he requested that this issue be placed on the agenda. He felt that if the Township goes out for quotes on contracted services, they can make sure that the Township is getting quality services for a reasonable value. He stated that the Township is growing and the types of issues that they deal with today are different. He stated that he believes when the original contracted services were done the growth patterns increased and they need to make sure that they have a focus on an effective team. He stated that he holds highest regard for the current selection and by no means should this be taken in any other regard than what he has stated. He stated that he would include in this Attorneys, Engineers, Auditors, Maintenance, Planners, Building Inspectors, Earth Tech for sewers and Oakland County. He stated that this is to ensure the Township because their needs are growing.

Mr. Young questioned what type of action is Mr. Schilling looking for from the Board tonight. He responded that he would like to have the Board agree to go out for bid on these services.

Mr. Schilling made a motion for the Lyon Township Board to allow for quoting of our contracted services, including Attorneys, Engineers, Auditors, Planners, Maintenance, Building Inspectors, water system which is currently under Oakland County and the sewer system under Earth Tech. Ms. Carcone supported the motion.

Mr. Young asked if there were any comments. Ms. Johnson noted that she still has files on Attorneys, Engineers and Planners from when they went out for bid in the past. She stated that when they do award the contract to one of these services, they do make sure that they get the biggest bang for the buck.

Mr. Young questioned when do they do this. Mr. Schilling stated that if he had to put a time period on this, he would like to have it done before they meet for their annual budget meeting. Mr. Young stated that in order for him to make a value judgment, he would have to see the rates relative to some standard. He stated that they would have to prepare a bid package and go out for bids, which is going to require a lot of time.

Mr. Hicks stated that he has a problem with this. He stated that unless the consultants are not

doing

a good job, he sees no reason to change them mid-stream. He noted that the consultants are familiar with what is going on in the Township.

Mr. Cash stated that he is very happy with the job that the consultants are doing now. He felt that they have a good team. He is concerned that someone can come in and lowball and not be as good as what they already have. He felt that this would create more problems than what is solved.

Mr. Cash stated that the concept is good, but the person who is going to do all the work for this is already buried. How much more can they pile on this person.

After further brief discussion, Mr. Schilling withdrew his motion.

#### **h. Database for Planning Department – Trustee Hicks**

Mr. Hicks stated that it is very important for the Township to go hi-tech. He stated that recently it was necessary to research information regarding Tanglewood. He noted that it would have been a lot easier if all the information were stored in a database that was easily accessible. He stated that the cost of the equipment to do this is fairly minimal. He noted that the Township is already using BS&A software in the Building Department and soon in the Treasurer's office. This software may be all that the Township needs to accomplish this. He stated that he would like BS&A to come in and give a presentation to the Board. By doing this they can determine if the software is capable of archiving records successfully and also determine what, if any, new hardware would be needed.

Mr. Hicks made a motion to contact a representative from BS&A to come in and give a presentation to the Board. Ms. Carcone supported the motion.

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

Motion approved.

#### **i. Additional Hire Request for Treasurer's Office**

Ms. Carcone stated that she is requesting to hire another part-time person for her department. She stated that the position would be three days a week with an hourly wage of \$10.00. She reviewed the information in her memorandum to the Board dated July 25, 2005.

Ms. Carcone made a motion to hire a part-time person to work three days a week at an hourly wage of \$10.00. Mr. Hicks supported the motion.

Mr. Young asked if there are any comments. Mr. Hicks questioned the process, are they going to advertise. Ms. Carcone responded that she is going to look for someone, but didn't plan on advertising for a position that pays \$10.00 per hour. She stated that if the Board wants her to advertise, she will, but she would rather not spend the money. Mr. Olson stated that they need to advertise because of equal opportunity issues.

Mr. Schilling stated that he would be more comfortable looking into this at the end of the year when they go through budget discussions. Ms. Carcone stated that she needs the help now and that she cannot wait.

Mr. Young stated that they, as Board members, are policy makers and that they have to rely on the

department heads to run their department. He felt they need to allow the department heads to run their departments. He stated that he is not questioning the need, but wants to make sure that they have the money to do this.

Ms. Johnson stated she will need extra help also, but plans to budget for it for next year.

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

Motion approved.

**j. Proposed Resolution Concerning U.S. Postal Service Zip Code Identification for Lyon Township – Trustee Hicks**

Mr. Hicks explained that the purpose of this is so that Lyon Township can get their own identification.

He stated that he has been in contact with McCotter's office, Levin's and Stabenow's office and they all want a resolution. He stated that if the Board passes a resolution, he can then submit it to the Postmasters who will help expedite this. He stated that there is no guarantees.

Mr. Hicks made a motion to adopt the resolution concerning U.S. Postal Service Zip Code identification for Lyon Township and send it to our State Representatives and Senators, to the Postmasters of the five zip codes, the Postmaster downtown and to the Postmistress. This resolution basically asks for a unique zip code for Lyon Township. Mr. Cash supported the motion.

Mr. Young asked if there were any comments.

Mr. Cash questioned if this proposal would keep the number the same but change the city name. Mr. Hicks responded that it would create a brand new, different zip code.

Mr. Young stated that he does not believe that the resolution presented reflects the motion that was made. He stated that what is being asked for is a unique zip code for Lyon Township. He further discussed his reasons why he feels this way. He stated that he would not support this resolution. He stated that he is in favor of getting Lyon Township a zip code of their own, but felt that it cannot be done this way. He felt that it needs to be done one step at a time.

Ms. Carcone concurred with Mr. Hicks. She stated that she would like to see this done mostly for tax purposes. She stated that it is confusing by the addresses as to where people live because it is broken up in five zip codes. She noted that New Hudson is really just a post office.

Mr. Hicks stated that the vast majority of Lyon Township residents reside in South Lyon mailing.

Mr. Cash stated that he concurs with Mr. Young in the fact that if they try to tackle the whole thing at once, it is not going to work.

Mr. Young stated that Milford has an identity. He stated that there are people who live in Lyon Township that have a Milford zip code. He stated who cares if people live in other communities as long as they have a Lyon Township zip code. He stated that as long as they get one Lyon Township zip code, then they can expand the area as the Township grows.

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

Motion approved.

Mr. Young asked if there were any public comments.

New

Ruby Templeton, 29920 Milford Road, questioned if they are talking about doing away with the Hudson zip code. Mr. Young responded that they are talking about establishing a zip code for Lyon Township and then handing it over to the officials and let them work it out. He stated that this is what the resolution is really saying. Ms. Templeton questioned why they don't just add another zip code to the post office. She stated that she does not want to be Lyon Township, she wants to remain New Hudson.

Shirley Baker, 27239 Stancrest, stated that by doing this they are doing away with too much of their history. She stated that New Hudson is part of their history. She stated that if everybody suddenly becomes Lyon Township, there isn't a post office building big enough to handle it. She felt that this is a very sensitive issue. She felt that if they do away with New Hudson totally, it would be a shame.

Robin Allen, 28550 Tindale Trail, concurred with the comments made.

#### **k. Martindale Road Speed Limit**

Mr. Hicks stated that the residents on Martindale Road have submitted a petition asking for the Board's support in getting the speed limit on their newly paved road reduced to 25 mph.

Mr. Olson stated explained the process that the Road Commission goes through to determine what the speed limit should be on the roads. He stated that if the Board is in agreement with this, they can have a resolution prepared.

Mr. Hicks made a motion that the Township Board indicate their support of the resident's in their request for restoring a 25 mph speed limit on Martindale Road just south of Grand River.

would

Before the motion was supported there was brief discussion and the Board determined that it make a bigger impact if they had a resolution, therefore, decided that this issue should be tabled until the next meeting to allow time to get a resolution together.

Mr. Hicks made a motion to table this issue. Ms. Johnson supported the motion.

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

Motion approved.

Mr. Quinn stated that item 15, Executive Session regarding Attorney/Client Privilege – Discussion of Employment Policy and they were also going to have discussion of pending litigation. He stated that one of the matters that the Board wanted to discuss was the Mill River amendment to the consent judgment. He noted that this is not pending litigation, there is no law suit pending, so this should be handled in an open meeting. He stated that with regard to the Personnel Policy Manual, the Labor Attorney, Steve Schwartz, is present and unless he has a written Attorney opinion letter regarding some content of the personnel manual, that would also be discussed in public and not during an Executive Session. He stated that would leave the pending litigations issues of Brookside and Langan left for closed session.

Mr. Young asked the Board if they wanted to add Mill River and the Personnel Policy discussion to the agenda seeing that they are here.

Mr. Hicks made a motion to add Mill River Consent Judgment Amendment and Personnel Policy Discussion to the agenda and amend the Executive Session to pending litigation only. Ms. Carcone supported the motion.

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

Motion approved.

### **I. Mill River Consent Judgment Amendment**

Earl LaFave, LPRS, LLC, introduced himself and Paul Burns, who represents their firm. He stated that they are here tonight in more of a cooperative mode. He stated that a few months ago there was a Board action to revise the Mill River plan to include a fourth product. He stated the trade off for granting the revision and changing the site plan. He noted that the density did not increase, it actually went down by eight units from what was agreed upon in the consent judgment. He stated that they also alleviated the concerns that both the Township and the Board had about the Library site.

Mr. LaFave stated that the Library site, under the original consent judgment, was to be leased to the Township, the building was to be built and then leased to the Township over a twenty year period. One of the concerns the Township, the residents and Legal Counsel had was that the leasing arrangement might cause some problems both legally and with the financing portion of the Library. He stated they agreed that they would deed the property to the Township, which was promised to be 7.75 acres to be used for a Library. He stated that in the unlikely event that the Library was not approved, that some alternative use by the Township and for the benefit of all the residents of the Township, i.e., a recreational center, senior center or something along this line, could be built in its place.

Mr. LaFave stated that Paul Burns, working with the Township's Attorney, has prepared a revised consent judgment which speaks to terms that were part of the Board's action. He stated that they then took it a little further through correspondence with the Attorneys. He stated that the Township Attorney felt that the provisions in the amended consent judgment exceeded or were out of the limits of what the Board had agreed. He stated that he is here tonight to clarify this. He noted that he has had long conversations with Mr. Quinn regarding this.

Mr. LaFave displayed a revised plan of exactly what the Board approved for the four different products within this development. He noted that there are different color lines on the plan which represent utilities that are to the benefit of so many others than the residential component of this development. He stated that Performance Spring has requested and have worked with the Township's Engineers to extend sewer and water to their site, which they will be paying for. He stated that this also shows extending utilities to the future sites, i.e., Library, office center, senior center and also the day care Montessori sites.

Mr. LaFave stated that to extend the utilities now will be a huge savings to both the Township and to the future uses of the properties that are not part of the residential. He stated that they took the

liberty of designing this development with the Township's Engineers by removing all of the storm sewers and retention from the Library site, thereby, being able to utilize the whole site to build on for the Township needs or uses. He stated that it will allow them to drain all the water from the Library site through a series of pipes and into a retention pond that was designed with excess capacity. He stated that they also designed sanitary sewer mains into the perimeter of the Library property. He stated that by doing this the Township will not have to go off-site for sewer and water.

Mr. LaFave stated that what this necessitates is a lot of agreements between them and the Township. It requires easements, maintenance agreements and who is going to maintain the sewer lines. He stated that they are proposing that as they are building these, they are going to incur the cost of all the additional improvements that will service the Library property as well as their other properties and not charge the Township now. He said that when and if the Township builds something on this property, there would then be a pro-rata share of the costs billed to the Township. Mr. LaFave said he could easily not do this, is not obligated to, but he is trying to do something he feels is the right thing to do by offering this to the Township.

Mr. LaFave stated that he is also proposing to build the road to access the Library, and if they construct it first, they will pay for it and then bill the Township a pro-rata share when the township decides to build. He stated that if the Library gets built before he builds the senior center and office buildings, he will pay the Township his share when he begins construction for the use of the road. He felt that this would be a win, win situation for everybody.

Mr. Young asked what type of action is necessary by the Board. Mr. Quinn responded that if the Board feels that they have enough information to make a final decision they can make a motion, or they can sit down with the same sub-committee to iron out the details before any motion is made. Mr. Young stated that there are still a lot of questions in his mind regarding this. Mr. LaFave stated that he did not expect to have Board action tonight. Ms. Carcone stated that she would prefer to have this go to the sub-committee.

After further discussion, it was determined that the sub-committee, along with the Township Engineers, Township Attorney and Township Superintendent will meet with Mr. LaFave on Wednesday at 4:30 pm to iron out the details.

#### **m. Personnel Policy**

Steve Schwartz, Labor Attorney, stated that together with a sub-committee he was asked to review the Township's Personnel Manual. He briefly went through and discussed some of the sections in the manual.

Ms. Carcone questioned if she should have applications completed as well as asking for resumes. Mr. Schwartz responded that she should.

Mr. Young stated that he felt that this is very well constructed and looks very thorough.

Mr. Schwartz stated that if the Board is comfortable with this manual, it should be formally adopted by the Board.

Mr. Quinn asked Mr. Schwartz if his secretary could complete page three of the table of contents. He noted that his copy does not have this page. He stated that he does not think that the copy of the sexual harassment policy was attached and an appendix. He asked Mr. Schwartz if he would make sure that this was done also.

Ms. Johnson questioned where job descriptions come into this. Mr. Schwartz responded that job descriptions are a separate document, but they go hand-in-hand. He stated that it is a good idea to have job descriptions. He stated that the time it takes to write them, will save in the amount of headaches in the future.

Ms. Carcone made a motion to adopt the Personnel Policies and Procedures Manual including the appendix, as presented. Ms. Johnson supported the motion.

Mr. Young asked if there were any comments. Chief Cash questioned what this will do to the policies of the fire department. Mr. Schwartz responded that it will do absolutely nothing, it will not affect the fire department or the Library.

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

Motion approved.

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

**15.    EXECUTIVE SESSION REGARDING PENDING LITIGATION**

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

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

Motion approved.  
The regular meeting was closed at 10:53 PM.

**16.    ADJOURNMENT**

Supervisor Young adjourned the meeting at 10:53 p.m.

Respectfully Submitted,

*Deby Cothery*

Deby Cothery  
Recording Secretary

Pamela Johnson  
Clerk