

**CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES
MEETING MINUTES
November 1, 2005**

Approved as submitted December 5, 2005.

DATE: November 1, 2005
TIME: 7:00 PM
PLACE: 58000 Grand River

1. **Call to Order:** Supervisor Young called the meeting to order at 7:03 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
Alexis Marcarello, Township Planner
Leslie Zawada, Township Engineer
Loren Crandell, Township Engineer
Les Young, Fire Chief
Al Hogan, Building Official

Guests: 75

4. **APPROVAL OF THE CONSENT AGENDA**

- Approval of Regular Meeting Minutes of October 3, 2005
- Approval of Disbursements
- September Revenue/Expense Report
- Cash Balance Report through September, 2005
- Fire Department Report for September, 2005
- Building Department Report for September, 2005
- Zoning Report for July/September, 2005
- Sheriff Department Report for September, 2005
- Engineer Status Report for September, 2005
- Earth Tech Operating Reports for August & September, 2005

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

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

Motion approved.

5. ANNOUNCEMENTS AND COMMUNICATIONS

Ms. Zawada gave an update of the Lake Angela issue. She stated that they will continue to monitor the water levels.

6. CALL TO THE PUBLIC

Michelle Russo, 15323 Plaza S. Drive, Taylor, stated that her mother is a resident of Lake Angela. She discussed the dewatering that is going on around Lake Angela. She noted that she does not understand the whole aspect of the dewatering system, but has read a lot about it in order to educate herself. She expressed concern with the how much the lake level has decreased. She asked for the Board's help in addressing the concerns of the residents of Lake Angela.

Jackie Portwood, Lake Angela, stated that she is not here all the time, but mostly on the weekends. She stated that this is where she intends on retiring. She submitted a report from a geologist that she acquired regarding the lake level. She is very concerned with the dewatering that is taking place and how it has affected the lake level.

Chuck Rollins, 25902 Sandy Hill, questioned what will happen if the lake level does not come back. Ms. Zawada responded that she has spoken with several Consultants over the past several months regarding this issue. She stated that one of the Consultants indicated to her that in his past experience he has never seen a lake never come back from dewatering operations. She stated that she talked with Mark Sweatman of Insight Environmental several times because she wanted to make sure that she understood what he was indicating. Mr. Rollins questioned if there is a plan, if the water does not come back. Ms. Zawada responded that there is not. She stated that if the water does not come back, they would have to work with the developers to fix the situation.

John Russo, 820 Oak Cluster Drive, Howell, showed a video that he shot of the Lake Angela area. He stated that he is not an engineer or trying to make accusations, but is only trying to point out some visual of what is going on at Lake Angela.

Doug Moore stated that he is a resident of Lake Angela. He stated that as they speak right now Mill River is pumping water out of 20" pipes down to the Novi/Lyon Drain. He said they need the Trustees to help them get the water diverted into the wetland and into the lake, and do it tomorrow. He stated that if this fails, this issue going to have substantial ramifications. He said that the residents are not going to wait around until 2009 for the lake to come back. He stated that they are not going to wait for the high density homes to be sold in this Township, which is way over developed.

Jenna Heskitt, 27370 Spaulding Road, stated that she is Vice-President of the Lake Angela Condo Association, which is only 15 units. She stated the residents bought here hoping to have good property values. She stated that nobody will be able to sell their units, if this continues and the lake level does not come back.

Mary Harrison, Lake Angela, questioned who gave permission to the developers to do the water cut-off. She noted that the developers are not the ones who voted to put the Board in place. She stated that she did not feel that the residents of Lake Angela will vote again for this Board, if they don't get some help soon.

Jeff Potter, Oakland County Commissioner, gave an update on the wireless Oakland project.

Len Horoszy, 27094 Sandy Hill, stated that he has a friend who had his place for sale with

a potential buyer. He noted that they buyer backed out because of the situation with Lake Angela. He felt that this could happen to any of the residents of Lake Angela, if this situation is not taken care of soon.

Mr. Young stated that even though the Board is not commenting on this issue, they are hearing the comments made and they are taking this issue very seriously.

Stephanie Anderson, 27374 Spaulding, stated that she is the Treasurer/Secretary for the Condo Association. She stated that their Association and units run on a well system. She noted that their water quality has decreased in the past several months. She said she moved into this area because it was a nice area with a lake, but feels that there may not be a lake there much longer.

Mr. Young stated that if the Board chooses, they could have the Engineers continue to monitor the situation. He noted that he would like to talk more in depth with Mark Sweatman regarding this issue. He said that the insinuation tonight is that there won't be a lake anymore, but the Board does not believe this because the Geologists have been telling them otherwise. He stated that they are not going to turn a blind eye to this issue and it will not be forgotten.

Will Young, Milford Township, questioned if this issue will be put on the agenda this evening. Mr. Young responded that if the Board wishes to discuss this issue further, they will add it to the agenda under the next agenda item, Approval of Agenda.

Ms. Zawada stated that she will leave some of her business cards on the back table, if anyone wants to call her she will be happy to keep them updated. Mr. Young noted that his business cards are also back there.

7. APPROVAL OF AGENDA

The following item were added to the agenda:

- Lake Angela (added to the end of Unfinished Business)
- Sign Ordinance Discussion (added to the end of New Business)
- Resolution of approval for CDBG Funds (added as 9a)

The following items were moved on the agenda:

- Library Request for Additional Funding (moved to 8a)
- 2006 Proposed Budgets – Superintendent Olson (moved to the end of New Business)

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

Voice Vote: Ayes: All
 Nays: None

Motion approved.

8. Presentation by Ms. Sharon Blumeno, Automation Alley Membership Benefits

Mr. Hicks stated that he met Ms. Blumeno at a tool show. He stated that she agreed to come to a Board meeting and discuss the advantages of becoming a member of Automation Alley.

Ms. Blumeno gave a brief presentation of the benefits of being a member of Automation Alley.

8a. Library Request for Additional Funding

Holly Teasdale, Library Director, gave a presentation on behalf of the Library Board. She reviewed some background of the Library before she went through the proposals from the Library Board. She stated that they are asking that the Board increase the Library's budget for only one year and not on a continued basis. She hoped this would help them implement programs in order to gain supporters of the Library.

Marilyn Miller-Smith, Library Board, stated that she knows that the Board members have been Library supporters in the past. She stated that with the development going on in the community, the Library is a place that not only offers cultural things but it does establish a benefit for the community. She felt that the Library is unique because it is able to offer these things to the community. She noted a lot of residents go to other Libraries because the Township's Library is deficient in what others offer.

Chris Roberts, Library Board, 56645 McKenzi Lane, stated that he was surprised when he was asked to be part of the Library Board. He stated that he has talked to a lot of residents who have questioned if the Board hates the Library. He stated that during election time, all the Board members made great noises about the Library and they were all supportive. He stated that in November of last year the budget came up and a few of the Board members held it, three of them punched it and then they gutted it and left it for dead. He stated that he looked at the dramatic cuts that were made to the budget and is trying to understand why. He stated that he was told the Board does not hate the Library, but they have a budget to work under also and that the times have changed and gotten tougher.

Mr. Roberts stated that the Library needs to attract people by providing materials and service. He said that unfortunately the only way that they can do this is by having a budget to buy these things. He stated that he is asking the Board for their help and hoped that they would support their words from the past. He stated that the Library really is an important part of the community and does need some funds. He stated that there is nobody getting rich at the Library. He stated most of the employees are part-time and that there are some that are not taking benefits at this time because it would crush the budget.

Mr. Roberts stated he felt the library needs to provide better services to the community, by expanding the hours of operation for the residents. He stated that in summary the Library is in a hurt right now and in need of the Board's help.

Mary Pat Freund, Library Board, 651 Woodland Drive, stated that she had dinner last week with several women, one of whom is an avid user of "books on tape". She stated that this woman called across the table to her and asked if her Library had a certain books on tape. She responded that she should call the Library to check, because it is her Library too. She stated this woman indicated to her that the Novi Library is the one she uses because they have unabridged books on tape, which is something that the Lyon Township Library can't afford to buy. She reported that they don't have the space to display these items either, which is something that bothers her. She felt that they should have a modern, well-supplied Library, which would enhance and strengthen the identity of the community of Lyon Township. She stated that as an advocate for the Library, she would urge the Board to seriously consider their request.

John Bell, Library Board, 23113 Currie Road, briefly reviewed the plan they are proposing. He stated that their proposal is to capture the need of the community by actually going out and trying to solicit some donations for private funding.

Pam Quackenbush, Library Staff, 58320 Twelve Mile Road, reported that "books on tape" really are in demand, but the Library does not have the funding available to purchase these. She stated

there is new technology that is available but they are not able to take advantage of this because the funding is not there. She briefly discussed other Libraries in the area and the amount these Libraries charge Lyon Township residents to use their facilities. She discussed the condition of the Library building and asked the Board for their help in fixing it up, if they did not see it fit to increase the Library's budget at this time.

Mr. Young questioned if the intention of the Library Board was just to make a presentation to the Township Board tonight or did they expect some sort of action. Mr. Bell responded that they do not expect any action tonight. He noted that budget talks will be coming up soon and they wanted to make this presentation with hopes the Board might consider increasing the Library's budget.

Darcy Hollon, 24300 Martindale Road, stated that she was at a Board meeting a couple of months ago and there was a presentation about the Library. She stated she remembers discussion regarding concerns of the Library losing status in their ability to obtain inter-library loans. She said that she does not use other Libraries but does use the inter-library loan a lot.

9. Public Hearing on Community Development Block Grant Funds for Program Year 2006

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letter dated October 27, 2005 regarding this issue.

Mr. Young opened the public hearing at 8:17 PM. There were no comments. He then closed the public hearing at 8:18 PM.

9a. Resolution of Approval for CDBG Funds for Program Year 2006

Mr. Cash moved by resolution to adopt the corrected resolution of the Board of Trustees for the following amounts:

- Public Service (Senior Service)	\$10,297.00
- Public Services (Battered and Abused Spouses)	\$ 2,500.00
- Minor Home Repairs	\$15,642.00

Ms. Carcone supported the motion.

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

Motion approved.

10. Public Hearing Tax Millage Rate for 2006 to Support Proposed 2006 Budget

Mr. Olson explained and gave a brief presentation of the tax millage rate for 2006 to support the proposed 2006 budget.

Mr. Young opened the public hearing at 8:27 PM.

Darcy Hollon, 24300 Martindale Road, questioned why there was such a dramatic cut to the Library last year if the growth and taxable valuation pays for itself. Mr. Cash responded that the reduction of State revenue sharing is one reason and also that the DDA capture of the growth in the area. Mr. Olson stated that the Library did not get cut last year, it actually got an increase, they went from \$148,000 to \$158,000.

Mr. Young closed the public hearing at 8:37 PM.

11. UNFINISHED BUSINESS

a. Resolution Determining Sufficiency of Petitions and Necessity of Improvements and Designating Special Assessment District for the Martindale Road Low Pressure Sanitary Sewer Improvement Special Assessment District

Mr. Young noted that they have received letters from the following residents:

- Patricia Christensen
- Thomas and Edith Huber
- James and Debbie Henderson
- Thelma Hamilton

Ms. Zawada, using an overhead display, reviewed the location of this proposal. She noted there are nine parcels included in the SAD. She stated that the approximate cost to install the sanitary sewer is between \$24,400 to \$26,400. She stated this is solely based on estimates and has not been designed or gone out for bids yet. She reviewed who had originally signed the petition and is still in favor of the project.

Mr. Quinn stated that this resolution is to determine sufficiency of petitions, being the first determination, which means is there more than 50% of acreage owners signing the original petition. He stated there is evidence to indicate that there is. He reported that the second determination is whether or not there is a necessity of improvements, which means that properties would benefit from the installation of the low-pressure sewer system. The third determination deals with designating the special assessment district, which is the number of properties to be included in the district. He stated that the resolution is an affirmative stating the Board has made these findings, that the petitions are satisfactory and the necessity of this project has been established. He stated that the construction costs show \$122,220.00 and there is a possibility the property owners could purchase up to 14 REU's. If all 14 REU's were purchased at \$8,400.00 each, it would be \$117,600.00.

Mr. Quinn stated that if the Board approves this resolution, the Engineers would finalize the design of this project and then go out to bid. He stated that after the bids come back, they would then have the public hearing confirming the roll for this project because they would then know the final cost.

Ms. Zawada made a correction, she noted that parcel 005 belongs to Patricia Christensen who has submitted a letter indicating that she is not in favor of the project.

Mr. Cash made a motion to approve the Resolution Determining Sufficiency of Petitions and Necessity of Improvements and Designating Special Assessment District for the Martindale Road Low Pressure Sanitary Sewer Improvement Special Assessment District. Ms. Johnson supported the motion.

Mr. Young asked if there were any comments from the Board regarding the motion.

Mr. Cash questioned if there is any way that the Township could help with the cost of this for the people who were not in favor of this project. Mr. Quinn responded that the Township can take money from the Sewer Enterprise Fund for any public project and pay a Township share. He stated that normally it is the property owner who pays the bill for these types of improvements, but it is possible for the Township to pay some portion of this. Mr. Cash stated that he was concerned because some of these lots are very small. Mr. Quinn noted that if the Township were to donate some money it would be for the entire project, therefore, reducing the cost.

Mr. Hicks questioned of the nine parcels, how many parcels have homes on them. Ms. Zawada went through the list of parcels and indicated which ones have homes on them and which ones are vacant.

- Parcel 001 is vacant and is approximately .8 acres. It is considered non-buildable right now because there is not enough room for a septic field. The Health Department requires one acre. The owner of this parcel, the Korenchuk's, are in favor of the SAD.
- Parcel 002 has a home on it owned by the Goehmann's, who are in favor of the SAD.
- Parcel 003 is vacant land owned by the Hendrickson's and the Huber's, who are both in favor of the SAD.
- Parcel 005 is owned by Patricia Christensen, who is not in favor of the SAD.
- Parcel 029 is owned by the Hamilton's, who are not for the SAD even though they originally signed the petition.
- Parcel 030 is not in favor of the SAD.
- Parcel 018 is a rental property and the owner is in favor of the SAD.
- Parcel 020 has a home on it, the Meilleur's, who are in favor of the SAD.

Mr. Quinn stated that from a legal perspective, a person cannot remove their name from a petition once they have signed the petition.

Mr. Young stated that the Board is here to service the public. He stated that in the past when people asked them to expedite SAD's they have done so. He stated they have not forced a special assessment district in the past. He said his concern is with the parties and what their capabilities are. He stated there are a couple parties that did not sign the petition and would be forced into a \$12,000 expenditure and if they wanted to tap into the system it would be \$24,000.

Mr. Hemker stated it is \$10,000 to \$12,000 now paid over ten years, but if their system fails in 2 years, 5 years or 10 years and they are forced to tie into the system:

1. Will the Township have any REU's left at that time?
2. The resident would then be forced to pay the current cost at that time in cash and not in an SAD.

Mr. Young stated that he feels bad about being in a position where the residents come in and ask for help and the Board wants to give them the help, but in the process they wind up forcing a major annual expense on someone who won't be able to afford it.

Mr. Hemker stated another problem he has with this is that the whole purpose of this sewer system is not intended for the residential, it is intended for the industrial sections. He stated he did not think that anybody had a purpose like this in mind when this first came up.

Mr. Cash stated he thought they were going to put an end to the special assessments unless there was 100% participation. He stated that they keep getting into situations like these where they force people into this. He felt that the people who really want this should come up with more of the money for this project so that a burden is not put on the people who can't afford it or who don't really want this.

Ms. Johnson noted that the Township has already incurred costs in having the legal documents prepared.

Ms. Carcone questioned if the person who owns the .8 acres is present. Mike Korenchuk, 932 Hadley, stated he is here representing his parents who own the property. Ms. Carcone questioned how long they have owned the property. Mr. Korencheck responded that they have owned it approximately 20 years. Ms. Carcone questioned how long the Hendrickson's and the Huber's have owned their parcel. Edith Huber responded that they have owned it a couple of years. James Hendrickson stated that they have been working on this petition since June, 2004.

Edith Huber stated they originally had a petition that included Brian Townsley, but something

changed in the Township and Brian Townsley was put on his own petition. She noted that they then had to begin their petition process all over again.

Ms. Carcone stated they had a lot of opposition to the sewer at Pontiac Trail and Martindale Road. She reminded the Board that the residents were only charged \$1.00 to be included in the SAD. She stated that she will not force a special assessment on somebody who does not want it.

James Hendrickson stated that there are actually three units that are vacant at this time, which he pointed out on the displayed overhead.

Mr. Korenchuk stated that his parent's lot is un-buildable at this time without sewer.

Katherine Guzowski stated that she owns the corner property on Trailways and Martindale Road, which is one of the larger properties in the SAD. She discussed the age of the fields on this property, which are failing because of age.

Edith Huber, 26055 Martindale Road, stated she and her husband, Tom, along with the Hendrickson's began this petition. She stated that they have gone through a lot trying to accomplish this by including Trena Lane because they are community orientated. She stated they have come to the point that whatever the Board decides, it is fine with them. She stated they purchased the acreage with the intention of building two environmentally friendly homes.

She

said they cannot build more than one without the sewer, but they are happy building just one home. She stated that thinking into the future and community, there is concern as to what is going to happen to the septic fields. She noted that they have an engineered field on their property which they paid \$25,000 for. She stated that she does not feel it is right that they drop the people who are not interest in this now, because they are going to have a very valid need in the future. She stated that it feels unfair to them that they should go ahead with this project without the people who are not interested now, so that these people can take advantage of this later at a reduced cost because they would only have to pay the lateral benefit charge.

Loretta McCreedy, 26471 Martindale Road, stated that she is absolutely not against good Township sewer service. She noted that she owns the smallest lot, which is 46' wide with a raised hill. She stated the whole reason this situation started was because the two couples who own property together want to be able to build on the property. She felt that some of the people in this won't be able to absorb the costs. She felt the people who want to develop these properties should be held mostly responsible for the costs of the sewer. She stated further that there is no definite proof right now that any of the septic fields are failing. She said her field is ten years old and is working just fine and her concern is that she is being asked to pay for something that is going to allow two properties to build and come out ahead and then she has to shoulder the burden for these properties to develop.

James Hendrickson felt that Ms. McCreedy makes a good point about developers being held responsible for a major portion, but this assessment, as written today, is exactly this. He stated that with three REU's on this property they are choosing to put three homes on the sewage system at a cost of \$75,000, which is 7 times the amount that Ms. McCreedy would have to pay. He stated that they are burdening a major part of the costs and most of the residents along this road will benefit by having sewers.

Thelma Hamilton, 26485 Martindale Road, stated that she has owned her home for 47 years and has raised her children there. She stated she did sign the petition but was also told that she could remove her name from the petition, if she changed her mind. She stated that she cannot afford to pay the cost of the sewer that she will be assessed. She stated that she would like to retire and that there is no way that she could stay in her home, if this were to be approved.

Ms. Zawada stated they did notify everyone in writing last year that they could not remove their name from the petition once it was signed. She noted that they also discussed this at the two informational meetings.

Ms. Carcone stated she is not opposed to the SAD, she is opposed to assessing the people who do not want to be in the SAD. She stated that she does not want to impose this on any resident. She stated that if the Huber's and the Hendrickson's want to develop the property, they are going to have to absorb the cost just like they make every developer in this Township do.

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

Motion failed.

The Board took a five minute recess.

b. Mill River Bond Resolution 2005 D

Mr. Quinn explained that this resolution was prepared by the Bond Attorney in order to get approval to sell Special Assessment Bond Series 2005 D in the amount of \$7,983,417.00. This is to cover the costs of the Mill River sanitary sewer and water improvements special assessment roll. This is a 20-year special assessment district with the first installment being February 14, 2006 through 2025. The interest will run at .25% above the average interest rate on the bond itself. This bond resolution is in a form ready for the Board's approval. He stated that if this bond resolution is approved, according to the Township's Finance Consultant, these funds would be available on December 8, 2005.

Mr. Cash moved by resolution to approve the special assessment bond series 2005 D in the amount of \$7,983,417.00. Mr. Hicks supported the motion.

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

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

Motion approved.

c. Hornbrook Estates Site Condominium – PD Amendment Request – 2nd Reading and Proposed Adoption

Mr. Quinn explained that this is an amendment to the PD which allows the PD to be increased by approximately 1.55 acres. He stated that this is the second reading and if adopted they would be able to proceed with developing the full 76.54 acres of land.

Mr. Hicks moved by resolution to amend the zoning ordinance for Hornbrook Estates with this as the second reading. Ms. Carcone supported the motion.

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

Motion approved.

d. Milford Road West – AP-05-19, Lyon Crossing PD – 2nd Reading

Mr. Quinn explained that Tony Antone, Kojaian, and himself have been perusing drafts of the first amendment to the Planned Development Agreement for Lyon Crossing and they have agreed to disagree on a few issues that they would like to present to the Board. He stated that Lyon Crossing amendment had a public hearing in front of the Planning Commission, who voted not to recommend approval. He stated that those minutes were presented to the Board at their meeting and the Board approved the amendment subject to the conditions set out in the Planning Commission minutes and in the McKenna Associates, Inc. letter. He explained that after the first reading they had a meeting with Mr. Antone to talk about the specific conditions that would allow him the right to develop ten acres of Lyon Crossing as an automobile sales/service facility. He went through the six conditions, some of which were okay and some of which there was opposition to by Mr. Antone.

Tony Antone, Kojaian, stated that they met as a group to go through the issues and felt that they had a very good meeting. He noted that when they were before the Planning Commission they were asking for three dealerships but things have changed since then so some of the issues really are not an issue.

Mr. Antone stated, regarding the issue of the pond, this agreement expired two years ago. He stated this outlot could have been taken back two years ago, but they have always said they are not going to do this until the issue is resolved at the intersection. He stated that they were told by the Engineers that work has to be done and that they are contractually obligated to have this done by December, 2006. He felt by asking for an ending date for the outlot is fairly reasonable especially since this issue never came up in the McKenna letter or at the first reading. He stated they are willing to extend the time, but want to be reasonable and put an ending date on it.

Mr. Antone stated that they are going to live by the agreement they entered into but felt that they should have all these new things added on which are surprises. He felt that they were almost there but there still needed to be a few tweaks.

Mr. Olson stated that if the building is pushed to the back of the site, he did not see any reason why enhanced landscaping could not be done at the front of the site. He discussed the lighting and impervious surface ordinances.

Mr. Crandell discussed the pond. He stated that if the retention pond area gets developed and gets reduced, the flooding of the intersection is going to get worse. He stated that when it was originally put in the PD Agreement he was a little bit uncomfortable with it. He stated that they had an agreement to establish the SAD but Kojaian objected the SAD and that is why it is on track. He noted there are things that can go wrong and that is why he is uncomfortable putting an ending date on this. He stated that they fully expect to have the work done on time.

Mr. Olson stated that they are not sure what is underground. He said that if they find gas tanks, this could be a big problem. He felt that it is unrealistic to have an absolute date. He stated that the project is underway and that the Grant funds have been secured.

Mr. Hicks made a motion to amend the Planned Development Agreement for Lyon Crossing with the following conditions:

1. Condition A, B and C – go along with the developer's comments about letting the Planning Commission decide for item C.
2. Eliminate Condition D
3. Include Condition E, F and remove Condition G.

Mr. Hemker supported the motion.

Mr. Hicks stated that he agrees with the location of the building and feels that it can be handled at the Planning Commission level. He stated that the photo metrics are covered in the Township's ordinance. He stated that they have been asked to amend the Planned Development Agreement and felt that it is only fair it be amended at the Township's current standards.

Mr. Antone stated he has no issue with the photo metrics part. He stated that however the Board wants to write the photo metrics, he has no issue with. He stated that what he cannot accept is the blanket statement that everything they negotiated for 1-1/2 years is now out the window for anything new. He felt that this is not fair. He stated that he was specifically told they are not bound by the impervious surface requirements that were recently passed because they have their own ordinance. He stated that if this is wrong, then they have to discuss this. He stated that his understanding is that the Planned Development Agreement is the ordinance that their development has to live by.

Mr. Hicks felt that they are not living by the original agreement because the Board is being asked to amend it.

Mr. Quinn stated that a PD is a zoning ordinance to itself, but unless there is specific language in a PD that says certain ordinances do not apply, what it would mean then that anytime a site plan is submitted the current ordinances at the time will control that site plan.

Mr. Cash stated that since this PD Agreement was signed the Township has changed some of their ordinances and now we want to go back and make the developer adhere to them. He stated that he is not in favor of this.

Mr. Quinn asked Mr. Hicks if he is leaving in his motion the language that the building shall be as close to Lyon Center as possible or is this language coming out. Mr. Hicks responded that he feels that this should be handled at the Planning Commission, therefore, it should be taken out.

Mr. Antone stated in regard to the detention pond, that if another six months would be helpful, he is willing to do this. He stated that he would really like a finite date on this issue so that they know when they will be able to develop the outlot.

Mr. Hicks reviewed the conditions that he put on his motion.

Mr. Cash made a subsidiary motion to put a date of June 30, 2007 for Item F and strike Item G and leave the original PD documents. Ms. Carcone supported the motion.

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

Motion approved.

Mr. Young stated that the subsidiary motion amended the main motion. Mr. Quinn stated that because of the amendment the following are the conditions of the motion:

1. Paragraph A and B are staying.
2. Paragraph C and D are being omitted.
3. Paragraph E is staying.
4. Paragraph F is staying but being modified to an end date of June 30, 2007.
5. Paragraph G is being omitted.

Mr. Young asked if there were any public comments.

Chris Roberts, 56645 McKenzi Lane questioned if the Board eliminated the impervious surface requirements from this. Mr. Cash responded that they are going back to the original agreement which was agreed upon. Mr. Roberts stated that by law, if the dirt has not been dug into yet, the Board could require a developer to comply with the current standards. He felt that they should hold the developer to the current standards.

Jim Hamilton, 24200 Martindale Road, stated that he does not have an argument with the motion, but has an argument with the rules of procedure. He questioned why they didn't just amend the motion in lieu of making a subsidiary motion.

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

Motion approved.

e. Planning Commission, ZBA and DDA and Board of Review Term Expiration Appointments

Mr. Young made a motion to re-appoint Laura Williams to the Planning Commission with a term ending November 30, 2008. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Mr. Young made a motion to re-appoint Ted Soper to the Planning Commission with a term ending November 30, 2008. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Mr. Young made a motion to re-appoint Bill Erwin to the Zoning Board of Appeals with a term ending November 30, 2008. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Mr. Young made a motion to appoint Ted Soper to the DDA as a resident and also as a Planning Commission Liaison with a term ending November 30, 2008. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Mr. Young made a motion to appoint John Dolan to the DDA with a term ending November 30, 2007. Ms. Johnson supported the motion.

Voice Vote: Ayes: All

Nays: None

Motion approved.

Mr. Young made a motion to appoint Jay Feldman to the DDA with a term ending November 30, 2009. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Mr. Young made a motion to appoint Tim Miner to the DDA with a term ending November 30, 2009. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

f. Lake Angela

Ms. Carcone stated that they are all very concerned with what is happening at Lake Angela. She wanted to let the residents know the Board is listening and that they really are worried. She stated she does have some suggestions, one is that this issue should be on the agenda each and every month until the problem is solved. She stated that another suggestion is that if there are any meetings at Lake Angela, she and other Board members would like to come to the meetings. She stated they need to have a plan of action if the water does not come back. She felt that they should be pro-active.

Mr. Young stated he would like to get Mark Sweatman give the Board something in writing that would answer the questions.

Mr. Hemker questioned if the Engineers know why the creeks are dry. Ms. Zawada responded that she does not know. She discussed what she was told about the amount of rainfalls in this area. She stated that before the next meeting she will talk with Mark Sweatman and try and come up with a plan, if the water does not come back.

Mr. Hemker stated the dewatering should be coming from under ground and it should not affect the streams. He questioned if the MDEQ or the State gets involved with permitting for the dewatering. Ms. Zawada responded that a wetland permit is required if they are going into the wetland by digging in it or drilling under it. She stated that a wetland permit is not needed to dewater. She stated that the Part 41 permit has a box on it that needs to be checked if dewatering is to be done when installing the sewer. She noted that the developers do have all their permits for the two projects that have impacted this area.

Mr. Olson questioned if there is a scope of work or dollar figure that they want to prescribe as to how much Engineer study they want done. Mr. Young responded that they are okay right now.

Doug Moore commented on the condition of the lake. He noted that he used to be able to walk out in the lake up to his neck and still be standing on solid sand, but now you begin to walk out and you sink in the muck. He felt that it is not safe and they have already wasted a lot of time on this issue and what the residents of Lake Angela want now is some kind of remedy tomorrow to prevent Mill River to continue to pour water down the Novi/Lyon Drain toward Silver

Lake.

Mr. Olson stated that there has to be written permission from the property owners to cross their property with the pipes. Mr. Moore noted that he did get the necessary permission and that he has talked to every property owner along Twelve Mile Road all who indicated they would love to have the water in their ponds.

Mr. Young said it is his understanding that the sewer is already done and that the developer is not dewatering right now for the sake of sewer. Earl LaFave stated that to his knowledge Mocerri is dredging the one end of the small lake and this is the last of the pumping he is aware of.

John Russo stated that the lake is very unsafe with sinkholes all over the place. Mr. Young replied that the Homeowner's Association would have jurisdiction over the lake. It was noted that the Township owns property there, the Library property.

After further discussion, Mr. Young stated that they will pursue this issue and get the experts involved in this.

12. NEW BUSINESS

a. Walnut Creek Estates at Woodwind Condominium – AP-04-42 – Approval of Master Deed and Bylaws.

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letter dated October 25, 2005 regarding this issue.

Mr. Quinn reviewed the comments indicated in his letter dated October 26, 2005.

Mr. Hicks made a motion to approve AP-04-42, Walnut Creek Estates at Woodwind Condominiums, documents, Master Deed and Bylaws dated October 12, 2005 subject to the McKenna Associates, Inc. letter dated October 25, 2005 and the Attorney's letter of October 26, 2005. Mr. Hemker supported the motion.

Mr. Young asked if there were any comments regarding the motion.

Mr. Hicks stated that at the Planning Commission meeting they discussed some language to make people aware they are building next to a High School and that there is going to be evening activities with noise. Ray Cousineau indicated that they will have a disclosure document regarding this.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

b. Special Event Approval Request – Cold Stone Creamery

Tracy Vitkay, Cold Stone Creamery, explained that they are proposing to hold a special event this Saturday, November 5, 2005. She stated this event is to recognize their customers who have been loyal during their first year of business in Lyon Township. She stated they will have a moonwalk for the kids and Moms-to-Moms will be taking donations for a charity. She noted they are going to try and get a Fire Truck for the event.

Mr. Young questioned if this event will block off the parking lot. Ms. Vitkay responded they

will have the moonwalk for the kids in the courtyard. She stated that Blockbuster was interested in having the Fire Truck on the side of their store.

Ms. Carcone made a motion to approve the special event application for the Cold Stone Creamery for November 5, 2005 from 11:00 AM to 5:00 PM. Mr. Schilling supported the motion.

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

Voice Vote: Ayes: All
 Nays: None

Motion approved.

c. Performance Springs – Request of Relief from Township Utility Ordinance

Ms. Zawada reviewed the comments indicated in the Giffels-Webster Engineer's letter dated October 26, 2005 regarding this issue.

Mr. Young stated that he attended the meeting with Performance Springs and was concerned that at a later date they would not want to participate in the extension of the utilities. He stated after that meeting he wasn't as concerned because they agreed to participate in an SAD. He stated that he really doesn't have a problem with this request.

Ms. Zawada stated it is her understanding from Performance Springs that if they are not allowed to do this, they probably wouldn't even extend the water onto their property. Mr. Young noted that Performance Springs probably won't expand their building then because the septic field is in the way. He noted that Performance Springs has a very unique product because there is only one other company in the United States that makes this product, the rest are over seas.

Mr. Hemker stated he is pro-business, but wonders why they even have an ordinance and a Sewer Master Plan, if they are not going to following it. He felt they shouldn't make exceptions.

Mr. Hicks made a motion to honor the request of relief from the Township Utility Ordinance for Performance Springs meeting the criteria cited in the Giffels-Webster Engineer's letter dated October 26, 2005 indicating that they will participate in an SAD. Mr. Cash supported the motion.

Mr. Young asked if there were any comments regarding the motion.

Mr. Hicks stated that this water and sewer is for a commercial/industrial property and felt that they should do whatever they can to save it.

Mr. Hemker stated that everything west of this site is residential. He questioned if they can argue that the SAD stops just east of this and why should they participate if it is not going past them.

Mr. Quinn stated that this is the purpose of the written contract which is recorded with the property – that they waive any and all objections to the assessment of any costs plus granting easements.

Mr. Young questioned if this defines where the hydrant will be placed. Ms. Zawada responded that it does not and that they are not sure yet where they would be needed. Mr. Young stated that if they were to allow the relief of not extending to the property line because of participation in an SAD, don't they have to pin down what they can do with the water and sewer as to location? Mr. Quinn noted there will be an exhibit that will be attached to the agreement and that it could be stated in the motion it would be the Engineers making the final determination as to how far the

water/sewer line will extend.

Mr. Hicks amended his motion to include that it would be up to the Engineers to make the final determination regarding how far the water/sewer line will extend. Mr. Cash supported the amendment.

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

Motion approved.

d. Kensington Park Apartments Well Transfer

Mr. Olson stated the Board received information on this issue via e-mail as well as on the table in a hand-out. He reported that Kensington Park Apartments' well is one which the Township inherited when they took on the other wells in the Township. He stated they had a problem with their well recently. The apartment complex land is paying into the Grand River Water SAD and that they need to relinquish the property to get it hooked in correctly. He stated that they really don't have use for the one acre of land that the well sits on and they don't want to have any residual responsibility. Mr. Olson said the well will have to be closed properly, with the expense being on the Kensington Park owners.

Mr. Schilling made a motion to approve in concept the transfer of the well site and the internal water apparatus back to Kensington Park Apartments subject to final documentation being approved by Legal Counsel, Township Engineers and Township Superintendent. Mr. Hicks supported the motion.

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

Voice Vote: Ayes: All
 Nays: None

Motion approved.

e. Chapter 20 Drain for the Six Point Intersection

Mr. Olson reported they have met with the Drain Commissioner's office to establish a Chapter 20 Drain in preparation for the special assessment district at the six point intersection. He stated that the County will be covering a significant portion of this drain now because of the amount of impervious surface of roads going into it. He stated the one request that the County did have is that the Grant money from FEMA be spread evenly.

Ms. Zawada stated the Drain Commission wanted everyone that is in the actual drain area in the special assessment district, however, they don't necessarily have to have an assessment.

Mr. Young stated that the action tonight is to allow the Superintendent to go in and file a notice of intent. Mr. Quinn concurred that this is the request this evening. He stated that at the next meeting there will be a resolution to start a special assessment district. He briefly explained the procedure.

Mr. Cash questioned the amount of the special assessment. Ms. Zawada responded that the initial estimate is over \$700,000 and the Grant is \$262,500.

Mr. Crandell stated they have to go through this process all the way first before the Drain Commission takes action to establish the district. He stated that there are some additional costs by going through the Drain Commission, but they don't know exactly what they are yet. He stated that what this also means is they want to be pretty conservative with their estimate. He stated that once they get the special assessment process done then the Chapter 20 process begins and the County bids it out. If the bids are higher than what they anticipated, then the Township is going to get the bill. He further discussed the process.

Mr. Cash questioned if they could use the DDA portion to pay for the special assessment.

Mr. Young stated he felt the benefit they are going to gain from this far outweighs the cost.

Mr. Hicks made a motion to adopt the Resolution Authorizing the Township Superintendent to File a Notice of Intent Regarding Proposed Drainage Project and Special Assessment District for a Chapter 20 Drain. Mr. Cash supported the motion.

Mr. Young asked if there were any comments regarding the motion.

Ms. Carcone stated that she is voting "No". She stated that the Drain Commission can't tell them how much the drains are going to be. She didn't like the idea of having an unknown amount assessed against an area that they are trying to help.

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

Motion failed.

Mr. Quinn noted that they will lose the Grant money. Mr. Olson questioned if there could be an amended motion to stipulate that the DDA will cover the amount for the Township. He stated that they really should not be turning their back on Grant money. He stated that if they do, they will probably never get it again in the future.

Mr. Schilling made a motion to reconsider the Chapter 20 Drain for the six point intersection issue. Mr. Cash supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Mr. Schilling made a motion to adopt the Resolution Authorizing the Township Superintendent to File a Notice of Intent Regarding Proposed Drainage Project and Special Assessment District for a Chapter 20 Drain with the understanding that the DDA will pay the Township private property portion. Mr. Cash supported the motion.

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

Motion approved.

f. 2006 Proposed Budgets – Superintendent Olson

This issue was moved to the end of the agenda.

g. Proposal for Miscellaneous Assessment Ordinance – Treasurer Carcone

Ms. Carcone stated that they have some delinquent sewer and water bills, drainage, private road maintenance, etc. and there is no mechanism to roll these onto the tax roll without an ordinance. She noted that she spoke with Mr. Quinn regarding this and was told they need a Miscellaneous Assessment Ordinance. She stated she is asking the Board for permission to have Mr. Quinn prepare a draft ordinance.

Mr. Young made a motion to authorize Mr. Quinn draft a Miscellaneous Assessment Ordinance. Ms. Carcone supported the motion.

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

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

Motion approved.

h. Library Request for Additional Funding

Moved to the beginning of the agenda.

i. REU Agreement for Saddle Creek

Mr. Quinn explained that as required by ordinance they are typically not authorized by the sewer and water ordinance to transfer REU’s from one Sidwell number to another. He stated what they like developers to do is to consolidate all of their Sidwell numbers into one master Sidwell number before they sub-divide their project. He said the Township is learning this is the proper way, but Saddle Creek did not get processed this way. He reported that when their SAD was created it was two parcels and there was an assignment of 57 REU’s to one parcel and 24 to the adjacent parcel. He stated when Phase I was actually laid out, it incorporated a little of both parcels and that this created problems of how to get the REU’s to Phase I. He reported they prepaid 81 REU’s for the sole purpose of developing Phase I and if they follow the ordinance, they would not be able to have 81 REU’s available for Phase I. He stated that what this memorandum agreement will allow is for the transfer of the REU’s to Phase I. He noted that Giffels-Webster will be able to keep track of the REU’s and they are in favor of this.

Mr. Hicks made a motion to adopt the memorandum agreement regarding the transfer of REU’s for Saddle Creek. Ms. Carcone supported the motion.

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

Voice Vote: Ayes: All
 Nays: None

Motion approved.

j. Sign Ordinance Discussion

Mr. Cash stated he reviewed the Township’s sign ordinance and on weekends there will be 200+ signs along the road right-of-way. He felt that there are some other items in the sign ordinance, which could use cleaning up. He asked the Board if they could have

Mr. Quinn, Mr. Doozan and the Building Department look at this ordinance.

Mr. Cash made a motion to have Mr. Quinn, Building Department, Mr. Doozan, Mr. Olson and himself work on updating the Sign Ordinance. Ms. Carcone supported the motion.

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

Motion approved.

k. 2006 Proposed Budgets – Superintendent Olson

Mr. Olson distributed copies of the proposed budget to the Board members for their review.

Ms. Carcone questioned if they could have a special Board meeting to discuss the budget after November 8, 2005.

Mr. Olson reported the budget is balanced and explained a few of the items and options in the budget.

Mr. Schilling made a motion to approve the maximum tax limit on total operating funds of 3.7666 and on the Fire Department building debt of .4334. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

- 13. **ITEMS REMOVED FROM CONSENT AGENDA FOR ACTION OR DISCUSSION** **NONE**
- 14. **EXECUTIVE SESSION REGARDING PENDING LITIGATION/PROPERTY ACQUISITION** **NONE**
- 15. **ADJOURNMENT**

Mr. Schilling made a motion to adjourn the meeting. Mr. Hemker supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The meeting was adjourned at 11:38 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary

Pamela Johnson
Clerk