

**CHARTER TOWNSHIP OF LYON  
BOARD OF TRUSTEES  
MEETING MINUTES  
January 9, 2006**

Approved as submitted February 6, 2006.

DATE: January 9, 2006  
TIME: 7:00 PM  
PLACE: 58000 Grand River

1. **Call to Order:** Supervisor Young called the meeting to order at 7:00 PM.

2. **Pledge of Allegiance**

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

Also Present: Matthew Quinn, Township Attorney  
Chris Olson, Township Superintendent  
Chris Doozan, Township Planner  
Leslie Zawada, Township Engineer  
Les Young, Fire Chief  
Al Hogan, Building Official

Guests: 15

4. **APPROVAL OF THE CONSENT AGENDA**

- Approval of Special Meeting Minutes of November 22, 2005
- Approval of Regular Meeting Minutes of December 5, 2005
- Letter of Agreement regarding FM Associates
- Approval of Disbursements
- November Revenue/Expense Report
- Cash Balance Report through November, 2005
- Fire Department Report for November, December and Annual, 2005
- Building Department Report for November, 2005
- Zoning Report for November, 2005
- Sheriff Department Report for November, 2005
- Engineer Status Report for November, 2005
- Earth Tech Operating Reports

Mr. Hemker stated that the Consent Agenda information they received did not include any Earth Tech Operating Reports, therefore, he requested that this item be removed from the Consent Agenda.

Ms. Carcone made a motion to approve the consent agenda with the removal of the Earth Tech Operating Reports. Mr. Schilling supported the motion.

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

Motion approved.

**5. ANNOUNCEMENTS AND COMMUNICATIONS**

Mr. Hicks stated that he would like to publicly respond to a letter that the Board received from St. John's Hospital. He thanked Matt Quinn for the donation made to St. John Hospital in the Board's name.

Mr. Hicks stated that everybody should have received a letter from the Road Commission, a resolution regarding the "No Left Turn" sign on southbound Milford Road turning into the Sunoco station.

Mr. Hicks stated that Ron Hausman will be the Township representative for Automation Alley.

**a. Lake Angela Update**

Mr. Young asked if there were any Lake Angela residents present. There were none. Ms. Zawada proceeded to give the Board an update on the situation at Lake Angela. She noted that the lake level is up approximately one-third, 8.4' since November 14th. Mr. Young stated that he and Mark Sweatman met with a committee of Lake Angela residents on December 19, 2005. He briefly summarized the discussion they had.

**6. CALL TO THE PUBLIC**

Shirley Baker, 27239 Stancrest, stated the approach area of Stancrest should have some additional blacktop. She stated that there isn't very much replaced with the construction and paving of Eleven Mile Road project. She reported that Eleven Mile is being torn up again.

**7. APPROVAL OF AGENDA**

John Hicks questioned the status of Cintas, which was tabled at the last meeting. Mr. Olson noted that he has not had time to make calls and requested that the issue be tabled for one more month.

Mr. Hicks stated that with regard to trash hauling, he would like to see this on a future agenda for discussion.

Mr. Hicks made a motion to approve the agenda as submitted. Mr. Hemker supported the motion.

Voice Vote:           Ayes: All  
                                  Nays: None

Motion approved.

**8. UNFINISHED BUSINESS**

- a. Second Reading and Proposed Adoption on Amendments to Ordinance Adopting the  
Downtown  
Development Authority Development Plan and Tax Increment Financing Plan (#58 B-06)**

Mr. Quinn explained that this is the final reading of this ordinance and will adopt the new amended DDA Development Plan and Tax Increment Financing Plan.

Mr. Cash made a motion to approve the second reading and adoption of the amendments to ordinance adopting the Downtown Development Authority Development Plan and Tax Increment Financing Plan. Mr. Hicks supported the motion.

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

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

Motion approved.

**b. Adoption of 2006 Staff Wages/Proposed Resolutions of Township Officers**

Mr. Olson explained that what is being requested is a 2.8% cost of living raise for the Township staff.

Mr. Hicks stated that because of an increase in the CPI for our region, because of the dramatic increase in fuel and energy costs, due to an increased work load, and because of rapid growth of the township, he moved to grant a 2.8% cost of living allowance to all non-elected employees, with the exception of the two probationary employees, who will be reviewed at the completion of their probation. This increase will be effective with the next pay period. Ms.

Carcone

supported the motion.

Mr. Young asked if there were any comments regarding the motion. Ms. Carcone questioned who the two employees are. Mr. Hicks responded that they are Katherine Nelson and Deby Cothery.

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

Motion approved.

Mr. Young made a motion to lower the Supervisor's salary by \$3,200 per year beginning with the next pay period. Mr. Schilling supported the motion.

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

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

Motion approved.

Mr. Young made a motion to redistribute the \$1,600 reduction from the Supervisor's salary to the Treasurer and the Clerk equally, in repayment of 2002 and 2004 retroactive pay. Ms. Carcone supported the motion. Mr. Young withdrew the motion.

Mr. Young made a motion to adopt the resolution for the Clerk's salary, \$56,540 per year, which includes a 2.8% cost of living increase to begin with the next pay period. Ms. Carcone supported the motion.

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

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

Motion approved.

Mr. Young made a motion to adopt the resolution for the Treasurer's salary, \$56,540, per year, which includes a 2.8% cost of living increase to begin with the next pay period. Mr. Schilling supported the motion.

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

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

Motion approved.

Mr. Young made a motion to distribute \$1,600 of the \$3,200 removed from the Supervisor's salary, to the Clerk's salary, in addition to the resolution that was just adopted. Mr. Schilling supported the motion.

Mr. Young asked if there were any comments regarding the motion. Mr. Young explained why the \$1,600 is being given to the Clerk and the Treasurer.

Mr. Cash questioned if the reduction in the Supervisor's salary is for one year. Mr. Young responded that his motion is not intended to be for one year. It is intended to be given up every year for the rest of his term as Supervisor.

Mr. Hicks stated that he is aware of the \$1,600 and that it should be paid back, but the overall picture was to achieve some level of parity, a mid-point. He stated that they are beyond the mid-point for the Clerk and Treasurer, they are much closer to the top. For this reason he voted "No".

Mr. Young asked if there were any public comments.

Shirley Baker, Stancrest, discussed the economy in Michigan. She questioned what will happen if the Township gets in trouble, will the employees give up some of their wages so that the taxes will not have to be raised for the residents that are left in the community. Mr. Young stated that they will take whatever measures are necessary at that time.

Mr. Hicks stated that he wanted to make it clear that in no way do his comments reflect on the jobs that Pat and Pam do.

Mr. Hemker briefly discussed the studies of the comparisons that have been done in the past. He noted that 2.8% is significantly lower than the Social Security cost of living increase of 2006, which increased 4.1%.

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

Motion approved.

Mr. Young made a motion to distribute \$1,600 of the \$3,200 removed from the Supervisor's salary,

to the Treasurer's salary, in addition to the resolution that was just adopted Mr. Schilling supported the motion.

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

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

Motion approved.

**c. WIN 3 Technology Planned Development – Second Reading and Proposed Adoption (Table to February Meeting for Publication)**

Mr. Quinn stated that they would like this issue tabled until the next meeting so that it may be properly noticed in the newspaper.

Mr. Hemker made a motion to table WIN 3 Technology Planned Development second reading and proposed adoption to the February meeting for publication purposes. Mr. Schilling supported the motion.

Voice Vote:            Ayes: All  
                              Nays: None

Motion approved.

**d. Board of Review Appointments – 2-Year Terms**

Mr. Young made a motion to re-appoint Jim Hamilton to the Board of Review for a 2-year term Mr. Hicks supported the motion.

Voice Vote:            Ayes: All  
                              Nays: None

Motion approved.

Mr. Young made a motion to re-appoint Dean Jensen to the Board of Review for a 2-year term Mr. Hicks supported the motion.

Voice Vote:            Ayes: All  
                              Nays: None

Motion approved.

Mr. Young made a motion to re-appoint Abe Ayoub to the Board of Review for a 2-year term Mr. Hicks supported the motion.

Voice Vote:            Ayes: All  
                              Nays: None

Motion approved.

**9. NEW BUSINESS**

**a. Leduc Rezoning Request of 201.59 acres from R-1.0, Residential-Agricultural to R-0.3, Single**

**Family Residential located on the east side of Milford Road and north of Twelve Mile Road.**

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated January 5, 2006 regarding this issue.

Bill Brownfield, Professional Community Planner, stated that they don't have a formal presentation this evening. He stated that he placed a letter from Mr. Leduc on the Board's table this evening which speaks to the letter that Mr. Olson wrote to the Board after the Planning Commission meeting.

Mr. Olson noted that the letter he wrote was for the Planning Commission and not after the Planning Commission meeting.

Mr. Hicks made a motion to deny the Leduc rezoning request for the property on Milford Road, commonly known as Coyote Golf Course, for the reasons stated in the January 5, 2006 McKenna Associates, Inc. letter, essentially stating that this is not in character with the Township's Master Plan or Zoning Ordinances. Mr. Schilling supported the motion.

Mr. Young asked if there were any comments. Mr. Hicks referred to the comments in the McKenna letter, also stating that they have demonstrated with many, many quality builders and developers that they are willing to talk to them, willing to listen to their proposals and are willing to work with them. He said, that in this instance, it does not seem like the party was all that willing to work with the Township.

Mr. Hemker reiterated what Mr. Olson stated in his letter to the Planning Commission.

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

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved.

**b. South Lyon Recreation Authority – Articles of Incorporation, First Reading – Steve Lackey, Director**

Mr. Lackey, Director of South Lyon Recreation Council, briefly reviewed the updates of the current Articles of Incorporation for the South Lyon Recreation Authority. He stated that the Council would like to receive comments from the Board and Township Legal Counsel by the end of the month so they can then publish the document in the South Lyon Herald. He stated that after it is published, it will then come back to the Board for approval by resolution.

Mr. Young stated that for clarification purposes, all that is being asked is for the Board to review this and make comments. There is no formal action requested. Mr. Lackey responded that this is correct.

Mr. Quinn stated that if this is tabled, then there would not be a first reading. He stated that in the interim all the comments could be tendered to Mr. Olson and passed along to Mr. Lackey.

Ms. Carcone made a motion to table the South Lyon Recreation Authority Articles of Incorporation first reading until the February meeting. Mr. Schilling supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None



contract to supply the grinder pumps for the Township.

The Board briefly discussed items d, e and f. It was noted that there is not a program drawn up yet. Ms. Zawada stated that Giffels-Webster will work with the Township Attorney and the Building Department to draw up a program. The Board did not feel comfortable approving something that has not yet been drafted, therefore, the following motion was made:

Ms. Carcone made a motion to have Giffels-Webster Engineers proceed with putting together a draft of a grinder pump program and bring it back to the Board. Mr. Hicks supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved.

Attorney Quinn mentioned the Engineer Design Standards would also need revision regarding sanitary sewer installation.

Ms. Carcone made a motion to postpone the following:

- Item e, Recommendation of Contract Award for Grinder Pump Station Systems and Connection to the Sanitary Pressure Sewer – Giffels-Webster Engineers
- Item f, Recommendation of Contract Award for Supply of Grinder Pumps – Giffels-Webster Engineers

Mr. Hemker supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved.

**g. Resolution of Tentative Declaration of Intention to Make Improvements for the Six Points Storm Sewer Improvements Special Assessment District**

Mr. Quinn stated that a revision to this project is a name change, with the former name being New Hudson Drain/Lyon Storm Crossing Sewer Improvement Special Assessment District. He noted the Township is now considering forming a Chapter 20 Drain for this particular area which would allow the Oakland County Road Commission to pay for their share of the drainage improvement. He reported that this is a substantial amount because the roads contribute to the flooding at the six point intersection. He stated that the Board previously passed a resolution of a notice of intent to the County to create a Chapter 20 Drain area.

Mr. Quinn stated that once the special assessment district is completed and the roll is completed after two public hearings, the roll will then be turned over to the County. The Township will not collect any money on that roll.

Mr. Quinn noted that attachment, Exhibit A, is a list of improvements proposed by Giffels-Webster Engineers, as well as a map as Exhibit B. Ms. Zawada displayed the map on an overhead and briefly explained what parcels are involved in this project.

Mr. Quinn stated that the engineers have done a preliminary cost estimate of this project at \$825,978. The amount to be assessed against the property owners would be \$563,478 and the amount that would be the Township's obligation would be \$262,500, which equates to the Federal Grant that has just recently been confirmed. He stated this resolution will call for the

first public hearing to be held at the February 6, 2006 meeting.

Mr. Young questioned if Kojaian’s portion, \$180,000, is included in the \$563,478. Ms. Zawada responded that it is.

Mr. Cash made a motion to approve the resolution of tentative declaration of intention to make improvements for the Six Points Storm Sewer Improvements Special Assessment District. Mr. Hicks supported the motion.

Mr. Young asked if there were any questions regarding the motion. Ms. Carcone questioned if this would get rolled onto the taxes. Mr. Quinn responded that it is his understanding that the County will bill the Township, who would then be responsible for rolling this on the taxes.

Les Cash, Fire Chief, stated that he heard the residents stand a good chance of getting a bill. He questioned who set up the boundaries for this district. Mr. Young stated that it is his understanding that the individual property owners will not have to pay anything, the Downtown Development Authority may pick up individual residents assessments.

Ernie D’Ascenzo, 34355 Glouster Circle, Farmington Hills, MI, stated questioned if the property owners will not have to pay for the construction, only possibly for the maintenance in the future. Mr. Young responded that this is basically what they are after.

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

Motion approved.

**h. Resolution of Tentative Declaration of Intention to Make Improvements for the Mil-Grand Low Pressure Sewer Improvements Special Assessment District.**

Mr. Cash made a motion to approve the resolution of tentative declaration of intention to make improvements for the Mil-Grand Low Pressure Sewer Improvements Special Assessment District. Ms. Carcone supported the motion.

Mr. Young asked if there were any comments regarding the motion. Ms. Zawada briefly explained what this resolution covers.

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

Motion approved.

Ernie D’Ascenzo briefly explained the plans that he and John Ivers have for the Putters site.

**i. Discussion of Joint Meeting with the City of South Lyon Council**

There was discussion with regard to a possible date for this meeting. It was determined that the meeting would either be Wednesday, January 18<sup>th</sup> or Thursday, January 19<sup>th</sup>. Mr. Young indicated that he would contact the City Council to see if either date would be good for them.

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

**11. EXECUTIVE SESSION REGARDING PENDING LITIGATION**

12. **ADJOURNMENT**

Mr. Hemker made a motion to adjourn the meeting and go into Executive Session regarding pending litigation. Ms. Carcone supported the motion.

Voice Vote:                      Ayes: All  
   Nays: None

Motion approved. The meeting was adjourned at 8:43 PM.

Respectfully Submitted,

*Deby Cothery*

Deby Cothery  
Recording Secretary

Pamela Johnson  
Clerk