

**CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES
MEETING MINUTES
March 6, 2006**

Approved as submitted April 3, 2006.

DATE: March 6, 2006
TIME: 7:00 PM
PLACE: 58000 Grand River

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

2. Pledge of Allegiance

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

Also Present: Philip Seymour, Township Attorney
Chris Olson, Township Superintendent
Chris Doozan, Township Planner
Loren Crandell, Township Engineer
Al Hogan, Building Official

Guests: 47

4. APPROVAL OF THE CONSENT AGENDA

- Approval of Regular Meeting Minutes of February 6, 2006
- Approval of Update of Fees for Planning Services
- Acceptance of Bill of Sale for Water Lines for Lyon Ridge Investment LLC
- Acceptance of Bill of Sale for Sewer Lines for Lyon Ridge Investment LLC
- Acceptance of Bill of Sale for Sewer Line from Woodwind Investment Company, LLC for Woodwind Village Condominium
- Acceptance of Bill of Sale for Water Line from Woodwind Investment Company, LLC for Woodwind Village Condominium
- Acceptance of Bill of Sale for Sewer Line from Woodwind Investment Company, LLC for Woodwind Glen Condominium, Phase I
- Acceptance of Bill of Sale for Water Line from Woodwind Investment Company, LLC for Woodwind Glen Condominium, Phase I
- Acceptance of Bill of Sale for Sewer Line from Woodwind Investment Company, LLC for Walnut Creek Estates
- Acceptance of Bill of Sale for Water Line from Woodwind Investment Company, LLC for Walnut Creek Estates
- Acceptance of Additional Bill of Sale for Water Line from Woodwind Investment Company, LLC for Walnut Creek Estates
- Acceptance of Bill of Sale for Sewer Line from Lyon Development Associates, LLC (Phase I of Saddle Creek)
- Acceptance of Bill of Sale for Water Line from Lyon Development Associates, LLC

- (Phase I of Saddle Creek)
- Acceptance of Sanitary Sewer Easement from Lyon Development Associates, LLC (Phase I of Saddle Creek)
- Acceptance of Water System Easements from Lyon Development Associates, LLC (Phase I of Saddle Creek)
- Approval of Disbursements
- Building Department Report for January, 2006
- Zoning Report for January, 2006
- Sheriff Department Report for January, 2006
- Fire Department Report for January, 2006
- Engineer Status Report for January, 2006
- Earth Tech Operating Report for January, 2006

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

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

Motion approved.

5. ANNOUNCEMENTS AND COMMUNICATIONS

a. Lake Angela Update

Mr. Crandell updated the Board on the Lake Angela situation. He noted that the lake level is up three feet since November 15, 2005. He indicated that there will be a dewatering process going on beginning the end of the month. The intention is to pump the water into the lake.

Road Committee members, Doug Pakkala and Tony Moscone, explained that they will be holding two town meetings in the near future. They briefly explained what they will be discussing at these meetings.

John Bell, 23113 Currie Road, stated that the Library will be coming before the Board at their next meeting to discuss millage language for the ballot. He also stated that the Library has implemented several new programs.

Mr. Schilling stated that he attended the ACEC award banquet and that an award was presented to Giffels-Webster Engineers, Lyon Township and South Hill Construction for the wastewater treatment plant. He congratulated both.

6. CALL TO THE PUBLIC

Robin Allen, 28550 Tindale Trail, questioned if the Road Committee meeting is going to be advertised so that the public can attend. Mr. Young responded that it will be noticed in the South Lyon Herald. Mr. Allen questioned if the Board's policy regarding answering questions is still in effect. It was indicated that questions should be asked in writing on the forms provided on the table. Mr. Allen questioned what the Township's insurance coverage with regard to lawsuits. He indicated that he will put his questions in writing.

7. APPROVAL OF AGENDA

Mr. Hemker questioned the status of the next joint meeting between the Township and the City. Mr. Young responded that they are still working on a date that is good for both parties.

The following items were moved on the agenda:

- Unfinished Business Item f was moved to the end of New Business.
- New Business item e was moved to the end of Unfinished Business.

Mr. Schilling moved to approve the agenda as amended. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

8. Public Hearing on the 6 Points Sewer Improvement Special Assessment District

Mr. Crandell explained that the project and the funding for the project. The total cost for this project is \$825,978.00. Funding of this project is:

- Grant from FEMA	\$262,500
- Oakland County through Chapter 20 Drains	\$ 93,125
- Lyon Crossing Development	\$182,000
- DDA	\$288,353

He stated that the amount assessed to the residential properties will be zero.

Mr. Seymour stated that they have to go through the procedure to establish the special assessment district. He noted that this is the first step in the process.

Mr. Hicks moved to open the public hearing for the 6 Points Sewer Improvement Special Assessment District. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The public hearing was opened at 7:17 PM.

Mike Jacoby, 30041 Cherry Lane, stated that he understands from what he just heard that the property owners will not be assessed. He questioned how the maintenance will affect the property owners and will the DDA still be responsible for paying for this. Mr. Olson explained that the DDA will pay for the maintenance of these drains and that there is no assessment planned for the individual homeowners or business owners in this area in the near future. There was discussion with regard to how long the DDA will be in effect. Mr. Olson noted that there is no record of any DDA going out of business in Oakland County.

Laurel Jacoby, 30041 Cherry Lane, questioned the timeline for construction and how it will affect the residents everyday lives. Mr. Crandell responded that they do have a timeline. He stated that they expect construction to begin this summer.

Katie Nogel, 30560 Rainbow Drive, questioned why the residents are involved in this if the DDA is going to take care of the installation and maintenance. Mr. Young stated that the risk to the property owners at this time is very minimal. Mr. Olson noted that the DDA will be in place for the duration of its bonds, which is thirty years.

Judy Roscoe, 25700 Milford Road, questioned if this will create flooding for other people in the area since more water will be dumped into it. Mr. Crandell explained how the drain will work. He stated that they don't expect this to cause any additional problems.

Ernie D'Ascenzo, 34355 Glouster Circle, questioned if the parcels that were picked for this are the ones that will use the drain. He also questioned if any others who will gain access to the drain in the

future will be put into the special assessment. Mr. Crandell responded that once the special assessment is established it is set.

Mr. Young noted that they have received four letters of protest from residents.

Mr. Hicks made a motion to close the public hearing. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The public hearing was closed at 7:31 PM.

9. UNFINISHED BUSINESS

a. Resolution Determining Necessity of Improvements and Designating a Special Assessment District for the 6 Points Storm Sewer Improvement Special Assessment District.

Mr. Seymour stated this resolution is in the proper format for the Board to act upon.

Mr. Cash moved by Resolution Determining Necessity of Improvements and Designating a Special Assessment District for the 6 Points Storm Sewer Improvement Special Assessment District. Mr. Hicks supported the motion.

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

Motion approved.

b. Resolution Setting Hearing Date on Special Assessment Roll for the 6 Points Storm Sewer Improvement Special Assessment District.

Mr. Seymour stated that this resolution is in proper form for the Board's consideration. He stated that this resolution will set the public hearing for the roll for April 3, 2006.

Mr. Hicks moved to adopt the Resolution Setting Hearing Date on Special Assessment Roll for the 6 Points Storm Sewer Improvement Special Assessment District for April 3, 2006. Ms. Carcone supported the motion.

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

Motion approved.

c. AP-05-46, Talon Development Group – Amendment to the Woodwind Planned Development Agreement (for Day Care sign) – Second Reading and Proposed Adoption.

Mr. Doozan stated that nothing has changed since the last meeting.

Mr. Cash moved to approve the Talon Development Group amendment to the Woodwind Development Agreement second reading and proposed adoption. Mr. Schilling supported the motion.

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

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

Motion approved.

d. South Lyon Recreational Authority Articles of Incorporation – First Reading (Tabled from January 9th and February 6th)

Ms. Johnson stated that at the last Board meeting it was recommended a sub-committee attend the meetings to review the bylaws. She stated she does not think that this has occurred, therefore, this was put on the agenda as a reminder.

Ms. Carcone stated that she and John Hicks will be sitting on the sub-committee. She noted they are going to contact each community to see if a representative from that community would join the sub-committee.

Ms. Carcone made a motion to table the South Lyon Recreational Authority Articles of Incorporation pending the establishment of a sub-committee. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

e. Permission to Request Bids for Fire Rescue Unit

Mr. Olson stated that the Board received in their packets an extensive bid specification for a new Fire Rescue Unit for Station No. 2. He stated that the document includes the equipment necessary for the unit, as well as the unit itself. He noted that the current vehicle at Station No. 2 is one of the oldest in the fleet which has had a number of functional problems in the recent past and is in need of replacement.

Mr. Cash stated that the vehicle they have now was purchased as a used vehicle and they have spent more on fixing the truck than they could currently sell it for. He stated that the action he is looking for is permission from the Board to go out for bid for a new truck.

Mr. Schilling questioned the life expectancy of the vehicle. Mr. Cash responded that it is a minimum of twenty years.

Mr. Hemker stated he would like to look into the grants available for the Fire Department and possibly pursue this option before they start talking about millages.

Ms. Carcone made a motion giving permission to go out and request bids for the Fire Rescue Unit. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments. Mike Jacoby, 30041 Cherry Lane, questioned who will follow-up on the grant issue. Mr. Young responded that this will be handled administratively.

Mr. Cash noted that they have applied for several grants in the last four or five years and they have only received one.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

e. (New Business) Conditional Rezoning Ordinance – Reconsideration from June, 2005 Meeting

Mr. Seymour explained that last year a motion to adopt conditional rezoning was defeated. He stated that they have been requested to re-draft the ordinance and explained the changes that were made.

Mr. Hicks made a motion to amend the previous conditional rezoning ordinance that was not adopted and recommend approval of the amended one in front of the Board now. Ms. Carcone supported the motion.

Mr. Young asked if there were any comments. Chris Roberts, 56645 McKenzi Lane, questioned if the property is zoned residential and a proposal for rezoning to build a particular business is approved, will the property revert back to residential if the particular business is not built. Mr. Seymour explained how this ordinance will work. Mr. Roberts stated that he understands the tool but feels that it will open up a lot more residential to commercial.

Katie Nogel, 30560 Rainbow Drive, questioned what will happen if the business that is put in goes out of business and something less beneficial goes into the site. Mr. Seymour responded that whoever goes in is subject to the conditions of the rezoning.

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

Motion approved.

Mr. Cash made a motion to approve the first reading of the conditional rezoning ordinance. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments. Mr. Hemker questioned if this has been compared to the MTA's model rezoning. Mr. Doozan responded that he has.

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

Motion approved.

10. NEW BUSINESS

a. AP 05-41, Lyon Trail III Site Condominium, Master Deed and Bylaws Approval

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated February 23, 2006 regarding this issue.

Mr. Crandell reviewed the comments indicated in the Giffels-Webster Engineers letter dated March 1, 2006 regarding drainage issues.

Mr. Cash moved to approve AP-05-41, Lyon Trail III average lot size site condominium master deed and bylaws, subject to the February 23, 2006 McKenna Associates, Inc. letter, attorney and engineering approvals. Ms. Johnson supported the motion.

Mr. Young asked if there were any comments. Ms. Carcone stated that she would really like not to see conditions for approval unless these conditions are resolved.

Nick Canzano, Canzano Building Co., stated that they have already taken care of all the

conditions with the exception of the condominium documents.

Mr. Young stated that they received a letter from James and Carolyn Hill expressing concerns about the cleanliness of the streets as this new phase begins. Mr. Canzano explained how they will handle the construction traffic.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

b. AP-06-01, Carriage Trace Phase 5, Average Lot Size Plan Condominium Document Review

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated February 16, 2006 regarding this issue.

Mr. Hicks moved to approve the condominium documents for Carriage Trace Phase 5, AP-06-01, subject to the conditions cited in the February 16, 2006 McKenna Associates, Inc. letter. Mr. Schilling supported the motion.

Mr. Young asked if there were any comments. Ms. Carcone stated she needs to know about the street light and whether or not it is going to be attached to the Township's street lighting. Shawn Havera, representing Carriage Trace, stated that he will relay the message to Roy Russell.

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

Motion approved.

c. Wastewater Treatment Plant Expansion – Giffels-Webster Engineers

Mr. Crandell stated that in the Board's packets tonight is a report regarding the wastewater treatment plant expansion. He stated that his intent is not to go over all the details of the report tonight, but just to make the Board aware the expansion is coming. He discussed some of the information regarding design and capacity of the plant.

Informational only – no formal action taken on this issue tonight.

d. Fees Resolution regarding Water Fee Rates, Landscape Deposits and Inspections

Mr. Olson stated there was no resolution prepared for this evening. He noted there was background information provided in the Board's packets, which he briefly discussed.

There was no formal action taken on this issue tonight.

f. (Unfinished Business) Final Approval of Behrenwald/AIS/Bob Saks Consent Agreement (Pending Receipt of Materials).

Mr. Olson briefly gave the Board an update of what is happening with the Consent Agreement for this issue. He stated that he received a call from Matt Quinn, Township Attorney, late this afternoon indicating there is a problem with the language in the consent agreement. He noted that he received three different versions of the agreement this afternoon.

After brief discussion, it was determined the Board cannot take action on this issue tonight.

Mr. Schilling moved to postpone this issue until the Board receives the documents in final form which were requested from the special meeting. Mr. Hemker supported the motion.

Mr. Young asked if there were any comments. Mary Falcone, Attorney for Bob Saks, expressed their disappointment over the state of affairs that has developed.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

11. ITEMS REMOVED FROM CONSENT AGENDA FOR ACTION OR DISCUSSION NONE

12. EXECUTIVE SESSION REGARDING PENDING LITIGATION/PROPERTY ACQUISITION

Mr. Schilling moved to recess the meeting and go into Executive Session regarding pending litigation/property acquisition. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The meeting was recessed at 9:02 PM

13. ADJOURNMENT

Supervisor Young adjourned the meeting at 9:55 p.m.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary

Pamela Johnson
Clerk