

**CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES
MEETING MINUTES
April 3, 2006**

Approved as submitted May 1, 2006.

DATE: April 3, 2006
TIME: 7:00 PM
PLACE: 58000 Grand River

1. **Call to Order:** Supervisor Young called the meeting to order at 7:01 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
Leslie Zawada, Township Engineer
Loren Crandell, Township Engineer
Les Cash, Fire Chief

Guests: 36

4. **APPROVAL OF THE CONSENT AGENDA**

- Approval of Special Meeting Minutes of February 28, 2006
- Approval of Regular Meeting Minutes of March 6, 2006
- Approval of Update of Fees for Legal Services
- Acceptance of Bill of Sale for Water Lines for Lowe's Home Center, Inc.
- Acceptance of Bill of Sale for Sewer Lines for Lowe's Home Center, Inc.
- Acceptance of Bill of Sale for Water Line Freund Associates re: Tanglewood Grenelefe West Subdivision
- Acceptance of Bill of Sale for Water Line from Lyon Milford Gateway LLC as it pertains to Lyon Center North Retail Condominium
- Acceptance of Bill of Sale from Hornbrook Estates Building Company regarding Hornbrook Estates
- Acceptance of Non-Exclusive Underground Easement for Water Facilities from South Lyon Community Schools
- Acceptance of Grant of Sanitary Sewer Line and Water Main Easement from Russell and Karleen Duff for Parcel No. 21-20-426-018
- Acceptance of Grant of Sanitary Sewer Liner and Water Main Easement from Lloyd and Diana Sue Brumfield for Parcel No. 21-20-426-002
- Acceptance of Non-Exclusive Sanitary Sewer Easement Agreement from Woodwind Investment Company, LLC regarding Parcel No. 21-24-300-008

- Acceptance of Grant of Sanitary Sewer Easement from 926 Associates, LLC for Parcel No. 21-11-226-001
- Acceptance of Grant of Sanitary Sewer Easement from Fifty-Eight, LLC for Parcel No. 21-02-451-013
- Acceptance of Grant of Sanitary Sewer Easement from Milford Road East Development, LLC, Wal-Mart Real Estate Business Trust and Lyon Plaza, LLC for Parcel Numbers 21-03-151-001, 21-03-151-007 and 21-03-151-005
- Acceptance of Grant of Sanitary Sewer Line Easement from DFL Partnership0 pertaining to Parcel No. 21-12-251-013
- Acceptance of Grant of Sanitary Sewer Easement from Kensington Park Limited Partnership for Parcel No. 21-05-176-018
- Acceptance of Grant of Sanitary Sewer Easement for Point of Connection from Kensington Park Limited Partnership for 21-05-176-018
- Acceptance of Grant of Sewer Easement from Walnut Creek Country Club, Inc. for Parcel No. 21-23-400-008
- Acceptance of Bill of Sale fro Sewer Line and Bill of Sale for Water Line from Copperwood RD, LLC for the Copperwood PD Development
- Acceptance of Grant of Permanent Sewer Easement from Mill River Investors, LLC for Parcel No. 21-09-400-006
- Approval of Disbursements
- Building Department Report for February, 2006
- Zoning Report for February, 2006
- Sheriff Department Report for February, 2006
- Fire Department Report for February, 2006
- Engineer Status Report for February, 2006
- Earth Tech Operating Report for February, 2006
- Approval of Event in Park for American Cancer Society Westland Relay for Life – Luncheon for Participants

Ms. Johnson requested that the following be removed from the Consent Agenda:

- Earth Tech Operating Report for February, 2006

Ms Johnson requested that the following be added to the Consent Agenda:

- Acceptance of Grant of Water Line Easement from 55495 Grand River, LLC for Parcel Numbers 21-10-100-001, 21-10-100-002 and 21-10-100-003

Mr. Hemker requested that the following be removed from the Consent Agenda and added under Item 11 for discussion:

- Approval of Update of Fees for Legal Services

Mr. Schilling moved to approve the consent agenda as modified. Ms. Carcone supported the motion.

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

Motion approved.

5. ANNOUNCEMENTS AND COMMUNICATIONS

Mike Csapo, RRRASOC, briefly discussed what RRRASOC did last year and what they have planned for this year. It was noted that there is information on the Township website.

a. Lake Angela Update

Ms. Zawada gave an update on the Lake Angela Situation. She noted that the lake level is now higher than it's normal level. The Board decided to remove this issue from the agenda as a continuing item.

Jeff Potter, Oakland County Commissioner, updated the Board and residents on things that are happening in the County.

6. CALL TO THE PUBLIC NONE

7. APPROVAL OF AGENDA

The following items were added to the agenda:

- Park Committee Re-formation – New Business
- Township Marking – New Business

The following item was moved on the agenda:

- New Business – Update on Southwest Sewer and Water Main Special Assessment District REU Sales – This was moved to the end of New Business

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

Voice Vote: Ayes: All
 Nays: None

Motion approved.

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

Ms. Zawada briefly introduced this issue. Ms. Johnson noted that the public hearing cannot be held this evening because it was not properly noticed.

9. UNFINISHED BUSINESS

a. Contribution Contract between the Lyon Township Downtown Development Authority and the Charter Township of Lyon regarding the 6 Points Storm Sewer Improvement Special Assessment District.

Mr. Olson explained that this document lays out that the DDA is to cover approximately \$280,000 for those properties which are not in Lyon Crossing, which is not covered by the Grant. He discussed a letter received from a resident in opposition to this.

Mr. Cash made a motion to approve the contribution contract between the Lyon Township Downtown Development Authority and the Charter Township of Lyon for an amount not to exceed \$300,000. Mr. Schilling supported the motion.

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

Chief Cash questioned how they could spend money outside the DDA if someone is not in the DDA. Ms. Johnson responded that all the property owners are within the DDA.

Mr. Hemker questioned if the DDA approved this. Mr. Young responded that they did.

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

Nays: None

Motion approved.

b. Utility Fee Resolution regarding Water Fee Rates

Mr. Olson explained the increase in the rates as outlined in the resolution before the Board.

Ms. Carcone made a motion to approve the resolution of the Township Board adopting an amended utility fee schedule. Ms. Johnson supported the motion.

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

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

Motion approved.

c. Conditional Rezoning Ordinance – Second Hearing and Proposed Adoption

Mr. Seymour explained that at the last meeting the Board approved the first reading of this ordinance. He briefly reviewed the section that was modified to reflect the language that is recommended by the MTA.

Mr. Hicks made a motion adopt the resolution amending Section 42.01, for the purpose of providing procedure and standards allowing property owners to propose, and allowing the Township to approve a site specific development, including conditions, in conjunction with a proposed rezoning. Ms. Carcone supported the motion.

Mr. Young asked if there were any questions regarding the motion. Ms. Carcone questioned if it should be mentioned in the motion that this is the second reading. Mr. Hicks added this to the motion. Mr. Young asked if there were any public comments, there were none.

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

Motion approved.

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

Mr. Seymour explained what is happening with the consent judgment for this issue. He noted that there is some difference in opinions with regard to replacement trees and possible uses that could be built if Bob Saks does not build on the site. He stated that the Township Board should not approve any consent agreement unless there is a signed extension purchase agreement.

Mr. Hicks made a motion to table this issue until the next available meeting due to the fact that all the proper documentation was not received by the Board. Ms. Johnson supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

10. NEW BUSINESS

a. Library Board Presentation – Request for Millage on August 8, 2006 Ballot

The following people gave a brief presentation of their proposal request for a millage to be on the August 8, 2006 ballot:

- Chris Roberts, Library Board, 56645 McKenzi Lane, Lyon Township
- John Bell, Library Board, 23113 Currie Road, Lyon Township
- Holly Teasdale, Library Director, 5273 Williamson, Dearborn
- Mary Pat Freund, 651 Woodland Drive, Lyon Township

Several of the Board members publicly stated their support for the Library and the millage request.

b. Proposed Resolution to Approve Library Ballot Language

Mr. Hemker made a motion to approve the resolution to approve Library ballot language. Mr. Schilling supported the motion.

Mr. Young asked if there were any comments. Shirley Baker, Stancrest, questioned where the site is for the new Library. Mr. Young responded that there is a site at Mill River, but it has not yet been finalized. Ms. Baker felt that any site chosen for the new Library should be assessable for kids from a bike path. Mr. Cash noted that the site at Mill River is connected to the bike path.

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

Motion approved.

d. Shadow Wood Average Lot Size Development

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated March 27, 2006 regarding this issue.

A Power Point presentation of the proposed development was given to the Board by the following:

- Gary Rentrop, Attorney
- Joel Pasqual, Landscape Architect
- Tyson Jewell, Sansone Properties

There was discussion with regard to which school district, South Lyon or Northville, this development will be in. Mr. Jewell noted that they are still working out the details for this. Ms. Carcone requested that this be clearly defined.

Ms. Johnson noted that there are some duplication of street names on the plan. Mr. Jewell indicated that they would discuss all street names with the Fire Chief before final determination is made.

Mr. Young questioned the amount of brick on the homes. Mr. Jewell responded that they will be looking at their competition in the area and if the competition is putting a lot of brick on their homes, then they will also put a lot of brick on the homes in Shadow Wood.

There was brief discussion with regard to cross access. Mr. Hicks noted that they did a real good job with the cross access in this development.

Ms. Johnson questioned the amount of conditions still open. She noted that they are approving

another site plan with conditions. Mr. Doozan responded that the most outstanding issue is with the engineering. Ms. Zawada noted that with respect to the sewer issue, they have a meeting scheduled this week to work this out.

Mr. Cash made a motion to approve AP-05-38, Shadow Wood site plan, average lot size, subject to the conditions outlined in the March 27, 2006 McKenna Associates, Inc. letter and that the street names be approved by the Fire Chief. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments from the Board. Ms. Johnson stated that she is hesitant to approve this without the sewer issue being resolved. Mr. Hemker questioned the timing on the trees for the neighbors. Mr. Jewell responded that as they develop each phase, they will plant the trees. He noted that this still has to be worked out. The trees will be placed on the neighbors property. He indicated that they would not be opposed to planting the trees prior to

any

grading being done on the site.

Mr. Young asked if there were any public comments. He stated that the Board received a letter from Donald Keeney regarding this issue.

Don Keeney, 53375 Martha Lane, indicated that he does not quite understand the Private Road ordinance. He stated that he is concerned that a lot of the property to the west of this site is still undeveloped and falls into the category of average lots. He stated that the only access out of this is back on these streets, including Martha Lane. He felt that they sort of ignored Martha Lane and put the roads in to suit their two developments. He expressed concern with regard to the distance between the roads.

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

Motion approved.

e. Use of Township Park – Requested Concert Event on June 4th

Steve Lackey, Recreation Director for South Lyon Area Recreation Council, explained the event that they have planned and asked for approval from the Board. The event planned is an open air concert on Sunday, June 4, 2006.

Ms. Carcone stated that any expenses that the Township may be responsible for need to be paid prior to the event. She noted that they can keep the funds in escrow.

Mr. Lackey briefly discussed the insurance that they carry for an event like this. He questioned if there will be any type of a rental charge for the use of the park. Mr. Olson noted that typically when a school is used the fee is 4% of the intake.

Mr. Lackey explained where the food vendors will be located. He noted that these vendors will need to be closer to the Township building because they need a water source.

Mr. Hicks made a motion to approve the South Lyon Area Recreation Council event on June 4th contingent upon paying the fees requested. Mr. Cash supported the motion.

Mr. Young asked if there were any questions or comments. Chief Cash stated that there will be a hazardous waste drop off the day before this event. He questioned how the materials will be protected from the event. Mr. Lackey responded that they will staff this area the entire time of the festival to make sure that nobody goes into this area.

Mr. Hicks amended his motion to include the use of the Township's water for the food vendors. Mr. Cash supported the amendment to the motion.

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

Motion approved.

f. Special Event Request – Cold Stone Creamery for Saturday, April 22nd

Tracy Vitkay, 30436 Milford Road, explained that they would like to do another event like the one that they had in November, 2005. She stated that this event will be in support of Relay for Life.

Mr. Schilling made a motion to approve the special event request for Cold Stone Creamery for Saturday, April 22nd. Ms. Carcone supported the motion.

Mr. Young asked if there were any comments or questions. Mr. Schilling questioned where the classic cars will be located. Ms. Vitkay explained the area that is intended for this. She noted that there will only be one classic car.

Ms. Johnson questioned how public restrooms will be handled. Ms. Vitkay responded that the restrooms will be the ones provided by each business.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

g. Carriage Club Subdivision – Settlement Agreement Regarding Phase I Landscaping

Mr. Seymour gave a brief history of this issue. He explained what is being proposed by Carriage Club in order to rectify the situation. Mr. Doozan indicated that this does not address all the concerns that they have with respect to landscaping, but felt that it would be wise to accept the agreement. He stated that it is certainly not everything that they had hoped for, but it is a step in the right direction.

Mr. Cash made a motion to approve the Carriage Club Subdivision settlement agreement regarding Phase I landscaping. Mr. Hemker supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

h. Nascar Event Request for Wal-Mart Parking Lot for June 15th, 16th or 17th

There was brief discussion regarding this event. Ms. Carcone questioned if Wal-Mart requested the services of the Sheriff's department. Ms. Johnson responded that she has not heard anything.

Ms. Carcone made a motion to approve the special event application for the Wal-Mart facility for the Nascar Fan Days, which will take place either on June 15th, 16th or 17th. Mr. Schilling supported the motion.

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

Voice Vote: Ayes: All
 Nays: None

Motion approved.

i. Proposed Resolution Regarding Retaining Local Control of Cable Franchising

Ms. Carcone made a motion to approve the resolution Charter Township of Lyon Board of Trustees Retaining Local Control of Cable Franchising. Mr. Hemker supported the motion.

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

Motion approved.

j. Website – Discussion of Possible Sub-committee

Ms. Carcone, Ms. Johnson and Mr. Hicks volunteered to be on the sub-committee.

Mr. Schilling made a motion to appoint Ms. Carcone, Ms. Johnson and Mr. Hicks to sub-committee to update the Township’s website. Mr. Hemker supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

k. Mowing Proposal

Mr. Olson reviewed the information indicated in his memorandum dated March 29, 2006 regarding an offer from the Township’s current contractor for mowing.

Mr. Cash made a motion to waive the Board’s bid policy. Mr. Schilling supported the motion.

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

Motion approved.

Ms. Carcone made a motion to approve the 2006 through 2008 mowing recommendation from Superintendent Olson. Mr. Cash supported the motion.

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

Motion approved.

c. Update on Southwest Sewer and Water Main Special Assessment District REU Sales

Mr. Crandell updated that Board on this issue.

Mr. Hemker made a motion to change the philosophy of the Southwest Sanitary Sewer Improvement District from mandatory purchase of REU’s to a voluntary purchase of REU’s.

Mr. Schilling supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

I. Landscape Fees

Mr. Hicks made a motion to add the Landscape and Tree Protection Review Fees to the agenda. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Chris Roberts, McKenzi Lane, questioned if this will affect older developments that are already in process or will it just affect new developments coming in. Mr. Young responded that this will cover all developments henceforth. Mr. Doozan stated that this covers the inspection of the landscaping that is already put in.

Mr. Hemker made a motion to adopt the Resolution Establishing Landscape and Tree Protection Review Fees. Mr. Hicks supported the motion.

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

Motion approved.

m. Township Marketing

Mr. Young briefly discussed ways to market the Township. He asked if the Board would allow him to appoint a couple residents to go out and market the Township. He mentioned Bob Seccombe and John Bell.

The Board concurred that they would like to see some sort of policy on this indicating how these people are going to represent the Township and what their responsibilities are.

There was no formal action taken on this issue. Mr. Young noted that they will work out the details and bring them back to the Board.

n. Re-forming a Park Committee

The Board decided to wait on this issue.

11. ITEMS REMOVED FROM CONSENT AGENDA FOR ACTION OR DISCUSSION

- Update of Legal Fees

Mr. Hemker stated that he is not sure what normal legal fees are that are issued or provided to the Township. He felt that since an increase in fees was requested, that this might be a good time to review this and possibly go out for bid.

Mr. Hemker made a motion to go out and request bids for Attorney services for the Township.
Mr. Schilling supported the motion.

Mr. Young asked if there were any comments or questions. Mr. Cash questioned if they go out for bid on this, will they be going out for bid on all services. Mr. Schilling stated that he originally had proposed doing all services, but everybody shot it down because it was too large of a project.

Mr. Young stated that his concern is that right now the Township is in the midst of some pretty hot issues. Mr. Hemker noted that there would have to be a transition period.

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

Motion approved.

12. EXECUTIVE SESSION REGARDING PENDING LITIGATION/PROPERTY ACQUISITION NONE

13. ADJOURNMENT

Ms. Carcone made a motion to adjourn the meeting. Mr. Schilling supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The meeting was adjourned at 9:18 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary

Pamela Johnson
Clerk