

**CHARTER TOWNSHIP OF LYON  
BOARD OF TRUSTEES  
MEETING MINUTES  
May 1, 2006**

Approved as submitted June 5, 2006.

DATE: May 1, 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  
Pamela Johnson, Clerk  
Dan Cash, Trustee  
Brent Hemker, Trustee  
John Hicks, Trustee  
Troy Schilling, Trustee

Absent: Patricia Carcone, Treasurer

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

Guests: 36

**4. APPROVAL OF THE CONSENT AGENDA**

- Approval of Special Meeting Minutes of March 28, 2006
- Approval of Regular Meeting Minutes of April 3, 2006
- Approval of Disbursements
- Revenue/Expense Report – 1<sup>st</sup> Quarter 2006
- Cash Balance Report – 1<sup>st</sup> Quarter 2006
- Acceptance of Bill of Sale for Sanitary Sewer Line for Carriage Club Phase III
- Acceptance of Bill of Sale for Water Line and Bill of Sale for Sanitary Sewer from Crystal Creek Land LLC for the Glens of Crystal Creek
- Acceptance of Bill of Sale for Water Line and Bill of Sale for Sanitary Sewer from Crystal Creek Land LLC for the Villas of Crystal Creek
- Acceptance of Bill of Sale for Water Line and Bill of Sale for Sanitary Sewer from Twin Pines
- Acceptance of Bill of Sale for Off Site Water Line and Bill of Sale for Off Site Sanitary Sewer Line fro Kirkway Estates
- Acceptance of Bill of Sale for On Site Water Line and Bill of Sale for On Site Sewer Line for Kirkway Estates Phase I
- Acceptance of Bill of Sale for Water Line from SPI Investments, LLC (Nail Co.)

- **Acceptance of Bill of Sale for Sewer Line and Bill of Sale for Water Line from Lyon Township Properties, LLC (Kawasaki Robotics)**
- **Proposal from Andrew Reed & Associates for Southwest Sanitary Sewer and Water Main SD Appraisal for Phase II**
- **Acceptance of Utilities Easement from Walbridge Aldinger Company for Township Well Site**
- **Acceptance of Bill of Sale from Blue Cross/Blue Shield of Michigan**
- **Acceptance of Deed of Easement for public Utility Purposes from Blue Cross/Blue Shield of Michigan**
- **Building Department Report for March, 2006**
- **Zoning Report for March, 2006**
- **Sheriff Department Report for March, 2006**
- **Fire Department Report for March, 2006**
- **Engineer Status Report for March, 2006**
- **Earth Tech Operating Report for February and March, 2006**

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

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

Motion approved.

**5. ANNOUNCEMENTS AND COMMUNICATIONS**

Mr. Hicks indicated that they are compiling another newsletter and requested that the Information must be submitted by May 15, 2006.

Mr. Young stated that he has compiled a rough draft for the community business recruitment that he briefly discussed with the Board at the last meeting. He indicated that he will submit it for the Board's review at the next meeting.

Mr. Olson stated that they received 26 applications for the Zoning and Code Enforcement Officer position. He indicated that they interviewed 9 of the 26. They have selected Amanda Schmidt for the part-time position.

**6. CALL TO THE PUBLIC**

Janna Heskett, 27370 Spaulding Road, stated that she is Vice President of the Lake Angela Condo Association. She expressed concern with the number of well established trees that have been taken down. She also expressed concern with the attitude of the workers. She noted that they have not been very considerate. She discussed the driveway and the fact that it should be put back to the way that it was before the work began.

Stephanie Anderson, also expressed concern with the attitude of the workers of the construction company. They have been extremely rude.

Mr. Olson announced that the intersection of Spaulding Road and Twelve Mile Road will be closed tomorrow for a crossing. Chief Cash noted that the Transportation for the Schools, the Sheriff's Department and the Fire Department have all been notified of this.

**7. APPROVAL OF AGENDA**

The following item was moved on the agenda:

- Unfinished Business, Item 8a, Final Approval of Behrenwald/AIS/Bob Saks Consent Agreement – This issue was moved to the end of the agenda.

The following items were added to the agenda under New Business:

- Discussion – Library request for .3 Mils and the possible uses
- Presentation by the Library Board
- Discussion – Landscape Plan for Township Hall entrance
- Building Official communication

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

Mr. Young asked if there were any comments. Mr. Hemker stated that he does not like to see information left on the front desk for issues that need to be added to the agenda. He felt that they should not add things to the agenda without proper notification.

Ms. Johnson felt that it is unfair to the Clerk's office because they take a lot of time compiling the agendas. She stated that when they get last minute issues, they just can't get them out.

Mr. Hicks stated that the .3 mils was discussed last month. He stated that if nobody else wants to discuss the issue tonight, that would be fine also.

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

Motion approved.

## **8. UNFINISHED BUSINESS**

### **a. Final Approval of Behrenwald/AIS/Bob Saks Consent Agreement**

This issue was moved to the end of the agenda.

### **b. Fire Rescue Bid**

Chief Cash stated that the Board members should all have a copy of the letter dated April 28, 2006. He stated that the specs were made and the bids went out. He stated that they only received one bid back. It was noted that the Board authorized the Fire Department to go out for bid for this vehicle at a previous meeting. Mr. Olson briefly discussed the issue of where the money would come from to pay for this vehicle.

Mr. Hicks made a motion to postpone this issue. Mr. Cash supported the motion.

Mr. Young asked if there were any comments or questions. There was discussion with regard to the amount of bids that went out and to the amount of bids that were received. Chief Cash talked about the specs that were asked for in the bid.

Don Collick, Fire Inspector, stated that there was a comment brought up at a previous meeting with regard to State assistance through grants for fire vehicles. He stated that the Township does not qualify for these grant funds.

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

Motion approved.

**c. Resolution Authorizing Computerized Tax Roll**

Ms. Johnson explained that this was provided to her by Treasurer Carcone. She stated that this is a requirement that this resolution be approved. She noted that each community within the County is required to pass a similar resolution.

Ms. Johnson made a motion to approve this resolution to be in compliance with the requirements for a computerized tax roll and request for Oakland County to apply the use of a computerized tax roll. Mr. Hicks supported the motion.

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

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

Motion approved.

**d. Park Maintenance Issues and Park Committee – Trustee Hicks**

Mr. Hicks stated that this issue was moved to this agenda from last month. He stated that he would like to see the Township advertise to try and re-organize the Park Committee and/or have some conversation with Steve Lackey with regard to the schedule of events. He noted that the children's playground area is used a lot and felt that it needs some maintenance.

Mr. Olson briefly discussed the Parks and Recreation Bylaws that were adopted in 2002. He also briefly discussed the roads throughout the park. He noted that there are a number of ash trees in the park that do need to be replaced.

Mr. Hemker made a motion to resurrect the Park Committee. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments or questions. Mr. Hicks stated that one of the items he listed was in regard to the concession stand. He stated that he is looking into getting quotes on how much it will cost to move the concession stand.

Mr. Young questioned the methodology to doing this. Mr. Olson responded that they would need to advertise for the committee. He read the language in the Parks and Recreation Bylaws that states who shall be on the committee.

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

Motion approved.

**9. NEW BUSINESS**

**a. Engineer Recommendation of Contract Award for Phase 1 of the Southwest Water Main Project**

Ms. Zawada explained the Southwest Water Main project. She stated that Giffels-Webster Engineers recommend that the contract for Phase I of the Southwest Water Main project be awarded to Star Contracting in the amount of \$798,967.00. She noted that Star Contracting was the low bidder and they are qualified to perform this work. She stated that Giffels-Webster

also recommends this award be contingent upon all the easements being secured for this phase of the project.

Mr. Hicks moved by resolution to approve the award of the contract to Star Contracting in the amount of \$798,967.00 for the Southwest Water Main project, Phase I contingent upon all the easements being obtained. Mr. Schilling supported the motion.

Mr. Young asked if there were any comments or questions. He questioned what the timeline is for this. Ms. Zawada responded that they are still waiting on one or two easements and if they can get these resolved within the next month, they can begin. Mr. Quinn stated that there is one that they will definitely be filing condemnation on, which should take 30 to 45 days. Ms. Zawada stated that if they were able to begin right away, after this, then the project should be done by the end of August, 2006.

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

Motion approved.

**b. First Reading of Proposed Lot Design Ordinance**

Mr. Quinn explained the proposed lot design ordinance and what it is proposed to do.

Mr. Hemker made a motion to approve the first reading for the Proposed Lot Design Ordinance. Mr. Schilling supported the motion.

Mr. Young asked if there were any comments or questions. He stated that he felt that this is a good idea. He questioned if there is still a 25' setback, if the wetland comes right up to the property line. He noted that there will still have to be a disclosure issue the developers will have to deal with. Mr. Quinn noted that this is correct.

Mr. Olson noted that he faxed a copy of this ordinance to Frank Didario of Curtis Builders, as well as Karen Stutzman of Franklin Homes, and have heard no reaction on this.

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

Motion approved.

**c. Insight Proposal for Well Monitoring Services**

Mr. Olson explained that they have received a proposal from Insight Environmental for well monitoring services. He noted that Insight Environmental currently monitors the wells at the sewer treatment facility. He stated that there were two additional wells added needing to be monitored, which is the reason for the increase from the prior year. He recommended approval of this proposal.

Mr. Hicks made a motion to approve the price increase for the groundwater monitoring from Insight Environmental for the Lyon Township Wastewater Treatment Plant in the amount of \$16,801 and the unit pricing in the proposal dated April 13, 2006. Mr. Cash supported the motion.

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

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

Motion approved.

**d. Proposed Building Department Vehicles**

Mr. Young referred to a memo dated April 20, 2006 from Al Hogan, Building Official, outlining the request for Building Department Vehicles.

Mr. Olson noted that the Building Department does have a fairly large fund balance with all the activity that has taken place in the Township recently. He stated that at the first quarter of this year they are already at 25% of revenues when we should really be at about half of this. He stated they are seeing considerable activity and noted that they have budgeted \$47,000 for capital outlay.

Mr. Hogan reviewed the vehicles that they have researched and who would be using the vehicles. He stated that if the Board were to approve his recommendation, they would probably want to put a "not to exceed" amount on it because they would be purchasing "in stock" vehicles from Hines Park Ford and the price may fluctuate a little bit.

Mr. Cash asked Mr. Hogan if he had any ideas of what the "not to exceed" amount would be. Mr. Hogan responded that it would not be more than \$5,000 above the quote from Hines Park Ford.

Mr. Cash questioned if this would also cover the cost of the lettering for the vehicle. Mr. Hogan responded that there is enough money in the Building Department budget to provide for the lettering cost.

Mr. Young made a motion to authorize the purchase of only the Explorer, with a price not to exceed \$25,000. Mr. Hicks supported the motion.

Mr. Young asked if there were any questions or comments. He stated that he does see the need for having a full time inspector, but feels that there is no urgency to get a vehicle for this person since they have not hired one yet. He stated that he does see the advantage of getting a vehicle for the Building Inspector now because of the amount of mileage being reimbursed.

Mr. Schilling questioned if this vehicle would be a Township vehicle and parked on the premises when not in use. Mr. Hogan responded that this is correct.

Mr. Hemker stated that he would still like to see more information, i.e., mileage so that he can do the math work. He stated that looking at Hines Park Ford quote, one was a dark shadow gray and one was an oxford white. He felt that if they were going to have a professional look, they should have all the vehicles the same color and the same lettering. Mr. Olson noted the Fire Department vehicles are white. Mr. Hogan stated that the vehicles would be white.

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

Motion approved.

**e. Assessing Contract with Oakland County Equalization, 2007-09 Renewal**

Mr. Young stated that as of June 30, 2006 our current contract will expire. He noted that there is

no increase in the new contract and they need to renew this contract if they are going to retain the County as their Assessors.

Mr. Hemker moved by resolution to assign the assessing contract to the Oakland County Equalization Division. Mr. Hicks supported the motion.

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

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

Motion approved.

**f. Dust Control Contract with Road Commission for Oakland County, 2006 Season**

Mr. Olson explained that before the Board is information from the Road Commission, as well as a response letter from him to the Road Commission dated April 21, 2006. He said that after review of this information, they are looking at an approximate \$40,000 per year expense for dust control on the gravel roads in the Township.

Mr. Hemker moved to approve the Dust Control Contract with the Road Commission for Oakland County for the 2006 season. Mr. Schilling supported the motion.

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

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

Motion approved.

**g. Discussion – Library Millage**

There was discussion as to what the .3 mils would be used for, if it is passed. Mr. Young suggested that the Board members jot down ideas as to what the money could be used for. They can compile the information and possibly put it in the upcoming newsletter.

**h. Discussion – Landscaping Plan for Township Hall entrance**

Mr. Hicks noted that the landscaping looks pretty shabby. He asked if they could request McKenna Associates, Inc. put together a landscape plan. Mr. Hemker felt that this would fall under the Park Committee. Mr. Young noted that in the interim Mr. Doozan can begin this for the Park Committee.

**i. Building Inspector Position**

Mr. Olson stated that before the Board there is a letter provided by Al Hogan, Building Official. He stated that he has done some building permit comparison for the first quarter versus last year. He noted that in Lyon Township we are actually 66% ahead of 2005 for the first quarter. In all building permits, they are 101% ahead. He noted that in April, 2006 they have seen an upsurge from last year, from 15 housing units to 34 housing units, and that they budgeted approximately \$46,000 for a full time building inspector.

Mr. Hogan stated that with the money that they are spending for a contracted person now, it

would be a cost savings and a benefit to make this a full time position.

Mr. Young made a motion to authorize the Building Department and the Superintendent to advertise and solicit for a full time Building Inspector. Mr. Cash supported the motion.

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

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

Motion approved.

**j. Library Presentation**

John Bell, Library Board, gave a brief presentation to the Board with regard to a sign that they would like to install at the Library. There was no action taken.

**k. Final Approval of Behrenwald/AIS/Bob Saks Consent Agreement**

Mr. Quinn explained that the Board has two options:

- If there are any questions that the Board wants to ask their representative in a closed session prior to publicly talking about this issue, - OR -
- If the Board is comfortable with their questions or comments they could deal with this issue publicly now.

Mr. Schilling made a motion to go into an executive session to discuss this issue and then re-convene. Mr. Hemker supported the motion.

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

Motion approved.

Mr. Young recessed the meeting at 8:48 PM to go into an executive session.

Mr. Young re-opened the regular meeting at 9:22 PM.

Mr. Quinn explained that the Board has had the opportunity to review the consent judgment and the principle is subject to discussion as noted in Exhibit 6, entitled Behrenwald Consent Judgment Permitted Uses on Parcel A.

Mr. Quinn stated that at this point the Board really has no questions about the basic language that is in the consent judgment. He stated that their only comments pertain to Exhibit 6 which deals with Parcel A. He explained what Exhibit 6 intends to do. He stated that the Board is proposing to remove the following:

- paragraph 8, item 8c, which discusses outside storage
- item 25, car washes
- item 27, lumber yards
- under minimum requirements, item 3, "except as relates to the current use of the Parcel A property"
- under minimum requirements, item 5, "except as relates to current use of Parcel A"

Mr. Quinn stated that he understands that there is to be no side agreements as to Parcel B and

and any site plan that may or may not exist for Parcel B.

Mr. Schilling made a motion to approve the proposed consent judgment with the deletion of the items set forth by the Township Attorney in his previous statement. Mr. Hicks supported the motion.

Mr. Young asked if there were any additional comments from the Board members. There were none. He then asked if there were any public comments.

Mary Falcone, Attorney for Bob Saks Group, suggested a change in language for item 8c and 25.

Paul Burns, Attorney for Mr. Behrenwald, stated that with regard to an automobile or car wash, he has no problem deleting. With regard to a lumber yard, they would like to make sure that they could put in a Home Depot or similar, but not a stand alone lumber yard.

Mr. Burns stated that on the other changes, he agrees with Ms. Falcone, in that when you have the minimum requirements the problem that you have is that they don't relate to any use on the property. He stated that you can't keep a car dealership from parking vehicles on the property, because that is the sole purpose of the consent judgment, which is to allow for an automobile dealership. He stated that paragraph 8 really relates with offices and showrooms and such, and he did not think that there would be any outdoor storage. He stated that the minimum requirements in paragraph 3 and 5, there is really two things that they are trying to accomplish, one being Kevin Mechigan's proposed automobile dealership and Mr. Behrenwald has indicated that he has between 8 to 10 pieces of equipment out there currently. He stated that they would like to keep these pieces of equipment there.

Mr. Schilling stated that the requirements are in Exhibit 6, which really only comes into effect if the dealership does not go through at the end of two years. He stated that this really doesn't apply to what Mr. Burns is talking about, it has nothing to do with the dealership.

Mr. Young stated that what Mr. Burns is saying is that Mr. Behrenwald has some equipment stored on Parcel A, which they are asking to keep. Mr. Burns indicated that this is correct.

Mr. Burns stated that if the dealership goes through, then it is a non-issue. If the dealership falls through, then Mr. Behrenwald wants to use the property to keep pieces of equipment there, that have currently been there. He stated that if Kevin Mechigan buys the property and does not put a dealership there, Mr. Behrenwald should be allowed to keep using the property as he is now. He stated that his proposal is that Mr. Behrenwald be allowed to continue to use the property as he is doing now.

Mr. Young stated that he does understand what Mr. Burns is saying, but right now the RM-2 zoning does not allow for the storage of equipment on the property. He stated that the B-3 zoning does not allow for the storage either, but this is where most of the equipment has been stored. He stated that they definitely did not want to restrict Bob Saks from storing vehicles on the property, but for Mr. Behrenwald to expand the storage of his vehicles onto Parcel A, this was definitely something contrary to this zoning. He stated that they have an agreement here that is ready to go forward and that this is the only item that they have come to a resolution on.

Mr. Hemker made a motion to recess the meeting and go into an executive session.  
Mr. Schilling supported the motion.

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

Motion approved. The meeting was recessed at 9:35 PM.

Mr. Young re-opened the meeting at 9:53 PM.

Mr. Burns stated that they are going to delete the words "except as is" as it relates to Parcel A. They will delete 8c and 25 totally. They will re-work 27 to stated "Home improvement stores, such as Home Depot, Lowe's, etc." They will move the equipment off the B-3 property. He noted that there are some pieces of equipment that they demonstrate on the property, that they would like to leave on the property. He stated that they would eliminate the word "except" in paragraph 3.

The demo equipment may remain on Parcel A for 45 days or until the closing on the property. Mr. Schilling questioned what would happen if the property doesn't close, would that mean that there would be unlimited usage. It was agreed that the demo equipment could remain until the closing on the property or until November 15, 2006.

Mr. Hicks moved to approve the proposed consent judgment with changes as pertaining to Exhibit 6:

- Parcel A:
  - deletion of 8c
  - deletion of 25
  - amend 27 to say that home improvements stores, i.e., Home Depot, Lowe's, Minnard's are allowed.
- Minimum Requirements:
  - item 3 will delete the following language "except as it relates to the current use for the Parcel A property
  - item 5 will delete the following language "except as it relates to the current use for the Parcel A property
  - item 6 will be added that says that "Mr. Behrenwald may continue to do his demonstrations of heavy equipment on Parcel A until the closing with Republic or until November 15, 2006, whichever is first to occur.

and subject to final review by legal counsel.

Mr. Schilling supported the motion.

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

Motion approved.

- 10. ITEMS REMOVED FROM CONSENT AGENDA FOR ACTION OR DISCUSSION                   NONE**
- 12. EXECUTIVE SESSION REGARDING PENDING LITIGATION/PROPERTY ACQUISITION-No further session**
- 13. ADJOURNMENT**

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

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

Motion approved. The meeting was adjourned at 10:04 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery  
Recording Secretary

Pamela Johnson  
Clerk