

**CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES
MEETING MINUTES
July 5, 2006**

Approved as submitted August 1, 2006.

DATE: July 5, 2006
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

Absent: Troy Schilling, Trustee

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: 46

4. **APPROVAL OF THE CONSENT AGENDA**

- Approval of Regular Meeting Minutes of June 5, 2006
- Approval of Disbursements
- Revenue/Expense Report through May, 2006
- Acceptance of Grant of Permanent Water Main Easement from Copperwood Lyon, LLC for Parcel No. 21-25-200-010 and from David V. Johnson for Parcel Numbers 21-25-200-011 and 21-25-100-021
- Acceptance of Easement for Water Main from Crystal Creek Land, LLC "The Glens at Crystal Creek"
- Building Department Report for May, 2006
- Zoning Report for June, 2006
- Sheriff Department Report for May, 2006
- Fire Department Report for May, 2006
- Engineer Status Report for May, 2006
- Earth Tech Operating Report for May, 2006
- Emergency Contact List

Mr. Young asked if there were any changes to the Consent Agenda. There were none.

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

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

Motion approved.

5. ANNOUNCEMENTS AND COMMUNICATIONS

John Bell, 23113 Currie Road, briefly discussed the status of the sign at the Library. He also noted that the Library will be holding an informational meeting on July 11th regarding the millage proposal on the ballot. He stated that it has been 50 years that the Library has been supported by the Township Board. They will be having a 50th birthday party for the Library on August 15th.

Ms. Carcone informed the public that the 2006 Summer tax bills were mailed out today to the developers and that resident tax bills were mailed on Monday. She noted that the tax bills are due September 14th.

Rana Emmons, Township Auditor, presented the December 31, 2005 Audit to the Board. She briefly commented on the audit.

6. CALL TO THE PUBLIC

Chris Roberts, 56645 McKenzi Lane, discussed the issue of the Library millage. He indicated that the Library Board asked the Board a few months ago to do something, but they have not actually done what was asked of them. He noted that the Board has made some motions toward the request. He stated that what they need from the Board is one word, and that word would fill in the following blank: "A vote for the Library is also a vote for "_____." He stated that they would like to have some kind of answer tonight for this and requested that it be added to the agenda for discussion.

7. APPROVAL OF AGENDA

The following item was added to the agenda under Unfinished Business:

- (e) Library Word

Ms. Carcone moved to approve the agenda as amended, adding the Library Word. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

8. PUBLIC HEARING

a. Public Hearing for the Southwest Sanitary Sewer Special Assessment District

Ms Zawada gave a brief introduction of the Southwest Sanitary Sewer Special Assessment District.

Mr. Young motioned to close the regular meeting and open the public hearing. Mr. Cash

supported the motion.

Voice Vote: Ayes: All
 Nays: None

Absent: Schilling

Motion approved. The public hearing was opened at 7:24 PM.

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

Mr. Young motioned to close the public hearing and re-open the regular meeting. Ms. Johnson supported the motion.

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

Motion approved the public hearing closed and the regular meeting re-opened at 7:25 PM.

9. UNFINISHED BUSINESS

a. Resolution Confirming the Roll fro the Southwest Sanitary Sewer Special Assessment District

Mr. Quinn explained the changes that have been made to the resolution. He noted that the reason for the changes is that there is one property that has dropped out of the district.

Mr. Hicks motioned by resolution to approve the amended special assessment district roll for the Southwest Sanitary Sewer Improvement Special Assessment District in the amount of \$17,481,325.40. Ms. Carcone supported the motion.

Mr. Young asked if there were any comments or questions. Ms. Carcone questioned who dropped out. Ms. Zawada responded that there were actually about 500 capital charges that were reduced. She stated that there was only one parcel that was taken out. Mr. Quinn stated that the property which was deleted has been determined that they would not benefit from the line.

Chris Penar, 21001 Pontiac Trail, questioned what the new costs are going to be. He noted that he has not received this information. He expressed his objections to this special assessment district. It was indicated that an appointment time would be made for Mr. Penar to come into the office to further discuss this.

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

Motion approved.

b. Award of Contract for the Southwest Sanitary Sewer SAD Phase I

Ms. Zawada explained that the bids for Phase I of this project were publicly opened on March 11, 2006. There were eleven bids submitted and opened. The low bid was submitted by Lawrence Clarke, Inc. She stated that Giffels-Webster has evaluated the qualifications of this company and recommend the Township award the contract for the Southwest Sanitary Sewer SAD Phase I to Lawrence Clarke, Inc. for the amount of \$2,496,177.50 contingent upon obtaining the

necessary easements and permits.

Ms. Carcone moved to approve the lowest bid for the Southwest Sanitary Sewer Phase I to Lawrence Clarke, Inc. in the amount of \$2,496,177.50 including the contingency provided by the Township Engineer. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments regarding the motion. There was a question with regard to the easements. Ms. Zawada responded that they are working on the easements and would expect the easement issue to be completed within a month.

Mr. Young asked if there were any public comments. Jack Healy questioned how far Phase I goes. Ms. Zawada responded that it goes from the wastewater treatment plant to Ten Mile and Milford Roads.

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

Motion approved.

c. Spaulding Road Sewer Additional Expense

Mr. Crandell reviewed the comments indicated in the Giffels-Webster Engineer letter dated June 14, 2006. He explained the reason for the additional expense. He recommended that the Township reimburse Mill River \$63,168 from the Sewer Enterprise Fund.

Ms. Carcone moved to expend \$63,168 from the Sewer Enterprise Fund for the Spaulding Road Sanitary Sewer SAD for additional compensation, per the Township Engineer's letter dated June 14, 2006, as full and final payment for all sums owed. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments or questions. Mr. Hicks stated that there are many parcels in the Township that are problematic with respect to water. He felt that the Township is not responsible for any costs related specifically to dewatering.

Mr. Hemker felt that the sewer enterprise fund and any of the residents that are on the sewer will be eventually paying for the parallels and other sewer extensions. He stated that he did not feel that any of the money should be going to Mill River Investors. He stated that in his view, the route would have to go down that direction anyway, even further, which would have preceded the Elkow's bringing the sewer half way up.

Mr. Young felt that if the Township is partnering up with these folks to put the sewers in, the Township owes them at least the \$63,168. He felt that they should do everything as a partner in this project to be fair. He stated that he is a proponent of even sharing the dewatering with them.

Mr. Crandell noted that he would not be offended if the Board does not follow his recommendation.

Dave Pawlaczyk, Mill River, briefly discussed the project. He noted that they have cooperated with the Engineers in making changes to the sewer system. He stated that it isn't really anybody's fault, it is just one of those things that happen. He stated that they want to be good partners with the Township, but felt that it is not fair that they should have to bear the entire burden.

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

Motion approved.

d. Award of Contract for Automatic Door Openers for Township Hall (CDBG Funding Project)

Mr. Doozan explained stated that at the last Board meeting they decided to go out for bids again for the automatic doors at the Township Hall. He stated that they did receive a bid from Detroit Door and Hardware Company in the amount of \$15,800 for automatic sliding doors at the main entrance of the Township Hall and an opening mechanism for the Building Department doors. CDBG Funds will cover \$15,000 of this project. He noted that they do have other funds available that can be reallocated.

Mr. Hicks moved to accept the bid from Detroit Door and Hardware Company for doors and hardware in the amount of \$15,800 for the installation of the automatic sliding, inner and outer, doors at the Township Hall main entrance and opener for Building Department doors. Ms. Johnson supported the motion.

Mr. Young asked if there were any comments or questions. Ms. Carcone questioned when the work would begin. Mr. Doozan responded that they will begin right after the election. He stated that it would not take very long to install. Ms. Carcone questioned if they would have to reprogram the \$800 tonight. Mr. Doozan responded that they would not, that he would have to bring paperwork back to the Board for that.

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

Motion approved.

e. Library Word

There was brief discussion amongst the Board members regarding what would be planned for funding if the library millage passed. Mr. Cash suggested that they use "deficit reduction". Ms. Carcone suggested that they use "capital improvements". Mr. Hicks felt that if they specify roads, there will be a lot of residents who won't be happy because there really is not that much money to do a lot to the roads.

Ms. Carcone stated that there is a need to educate the public. The public needs to understand why Lyon Township is such a great place to live, not only because of the low tax rate. She stated that they have only gone out for two millages, one for fire and one for police. She stated the Township paid cash for the building that they are in now. She stated that most communities have millages for Libraries, Park land, etc. She reported the Township pays for all these items out of the General Fund and have for years. She felt that if the public were educated on these issues, they may be more understanding and willing to give a little bit out of their pockets for the Library or the Fire Department, or for things that are really necessary.

9. NEW BUSINESS

a. Proposed Amendments to the Tree Protection Ordinance

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated June 15, 2006 regarding this issue.

Mr. Young asked if the Board had any questions or comments for Mr. Doozan regarding this. There were none. He then asked if the public had any comments.

Darcy Hollon, 24300 Martindale Road, stated that she looked over the ordinance and felt that a lot of hard work went into this. She said she felt that this is very similar, from a citizen's perspective, to the tax code, it is very complicated. She felt that it is very difficult for the common person to understand. She stated that she is an advocate for saving the trees.

Chriss Roberts, McKenzi Lane, stated that he does understand some of the hidden motivations behind this ordinance, but expressed his opposition to this.

Ray Cousineau, Developer, agreed with Chriss and Darcy, stating that this is a very complicated ordinance. He felt that the Township does have a problem with the current tree ordinance, and that this is a good attempt to correct it. He briefly discussed Novi's tree ordinance. He felt that the Township's tree ordinance goes way beyond Novi's tree ordinance with respect to tree replacement. He suggested that the Township revisit the tree replacement section.

Darcy Hollon, 24300 Martindale Road, stated that the Board should keep in mind the usefulness of the different species of trees and should diversify replacement species.

Mr. Doozan briefly discussed ways they could possibly simplify the ordinance. The Board members briefly expressed their feelings about this ordinance, some were in favor of it and some had some problems with it.

Frank DiDario, Curtis Building Company, suggested that the ordinance include a possible dollar amount cap. On a heavily wooded property, there is no possible way to fit all the trees that have to be replaced on the property.

David Goldberg, Aspen Group, felt that a sub-committee would be a good idea as there are still a lot of open issues. He indicated that they would be happy to be involved in a sub-committee.

Mr. Hemker moved to table the revisions to the Tree Protection Ordinance and to create a sub-committee for review of amendments. Ms. Carcone supported the motion.

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

Motion approved.

There was discussion regarding volunteers for a sub-committee. Ms. Carcone, Mr. Hicks and Mr. Hemker agreed to sit on the sub-committee. Chriss Roberts, resident, Karen Stutzman, Franklin Properties, Mark Mennuck, Curtis Builders, and Ray Cousineau also agreed to sit on the sub-committee. Mr. Doozan will contact everyone to schedule a sub-committee meeting. David Goldberg requested that he be notified when a meeting is scheduled so that they may attend to give some input.

b. Proposed Amendments to the Zoning Ordinance – Performance Guarantees, Industrial Activities Statement and Signs

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated May 24, 2006 regarding this issue.

Section 16.05, sub-section C – Ms. Johnson stated that when candidates file their candidacy nominating petitions, she does not think that anyone would want to have signs up from May through the election. Mr. Quinn stated that they really can't limit a person, once they become

a viable candidate, from putting up signs. He stated that this is where the violations of the Constitution come into place.

Mr. Cash questioned the definition of "community". He noted that they always get signs for events in other communities posted in the Township. Mr. Quinn stated that they may need to have a definition of what a "community event" is in the ordinance.

Ms. Carcone discussed the size and number of Real Estate Open House signs allowed. She felt that this section does not make sense. Mr. Doozan indicated that he would clarify this section.

Mr. Hemker moved to approve the first reading of the revisions to the ordinance in regard to the performance guarantees. Ms. Carcone supported the motion.

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

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

Motion approved.

Mr. Hicks moved to approve the first reading of Section 33.03, Development Standards in Industrial Districts, amendments. Mr. Hemker supported the motion.

Mr. Young asked if there were any comments or questions. Mr. Young questioned if they would be seeing something that pertains to commercial also. Mr. Doozan responded that they could, if the Board wishes.

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

Motion approved.

Ms. Carcone moved to approve the sign ordinance first reading with the following changes:

- Definition of Real Estate Open House signs
- Definition of community activity

Mr. Hemker supported the motion.

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

Mark Mennuck, Curtis Building, thanked the Board for considering the amendments to the sign ordinance. He spoke on behalf of several builders expressing their thoughts regarding the posting of signs.

Mike Lamb, 29780 Rondeau, stated that he manufactures signs and that a real estate sign is 2 x 3.

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

Motion approved.

c. Planning Commission Vacancy Appointment

Mr. Young recommended by motion that Mike Confliti be appointed to the Planning Commission with a term ending November 30, 2008, replacing the vacancy left by Laura Williams. Ms. Carcone supported the motion.

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

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

Motion approved.

d. Park Committee Appointments

Mr. Hicks provided the Board with a list of several people who are interested in serving on the Park Committee.

Mr. Olson briefly discussed the Park Committee Bylaws noting that the committee is required to have six voting members.

There was brief discussion by the Board, which determined that Mr. Hicks will contact the people on the list and set up a meeting to make sure that they are still interested.

Ms. Carcone moved to table the Park Committee appointments. Mr. Hemker supported the motion.

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

Motion approved.

e. Fire Department Millage Question Request for November, 2006 General Election

Mr. Cash explained the Budget Reduction Plan and Apparatus Replacement and Catch Up that he compiled and provided to the Board. He also explained the reasons behind the Fire Department's request for .4 mills and the necessary language to be placed on the ballot.

The Board members discussed this issue. The consensus of the Board was that they don't have a problem supporting .4 mills for apparatus/truck replacement.

Mitchell Zalewski, 62041 Tayberry Circle, stated that when the millage came up originally a year ago nobody said anything as to what was going to happen to the general fund. He stated that his son is a volunteer firefighter and has told him that the vehicles are in constant need of repair. He stated that as a citizen, he does not want to see a bunch of confusing things. He stated that the public needs to be told what is going on. He felt that the fire department and the police are very important to the Township.

Mr. Cash briefly discussed the millages that the surrounding communities are asking for.

Mr. Hicks moved to authorize Legal Council to compose ballot language for the November, 2006 General Election. Ms. Carcone supported the motion.

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

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary

Pamela Johnson
Clerk