

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

Approved as submitted September 5, 2006

DATE: August 1, 2006
TIME: 7:00 PM
PLACE: 58000 Grand River

1. **Call to Order:** Supervisor Young called the meeting to order at 7:04 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
Loren Crandell, Township Engineer
Al Hogan, Township Building Official
Les Cash, Fire Chief

Guests: 17

4. **APPROVAL OF THE CONSENT AGENDA**

- Approval of Regular Meeting Minutes of July 5, 2006
- Approval of Disbursements
- Revenue/Expense Report through June, 2006/Cash Balance Report through June, 2006
- Acceptance of Bill of Sale for Sewer Line from Mill River Investors LLC
- Acceptance of Bill of Sale for Water Line from Mill River Investors LLC
- Building Department Report for June, 2006
- Sheriff Department Report for June, 2006
- Fire Department Report for June, 2006
- Engineer Status Report for June, 2006
- Earth Tech Operating Report for June, 2006
- Board Proclamation of the "World's Largest Ice Cream Social Day" on September 28th

Mr. Young asked if there were any changes to the Consent Agenda. Mr. Hemker requested that the following be removed from the Consent Agenda:

- Acceptance of Bill of Sale for Sewer Line from Mill River Investors LLC
- Acceptance of Bill of Sale for Water Line from Mill River Investors LLC

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

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

Motion approved.

5. ANNOUNCEMENTS AND COMMUNICATIONS

Sam Stone, New Hudson Inn, explained plans for a 175th Birthday party for the last weekend of September and the first weekend of October. He indicated that he will be submitting a completed application for this function.

Rob Cassalou, President of Providence Park, explained and updated the Board on the construction progress of the new Hospital campus at Grand River and Beck Roads.

Tracy Vitkay, Cold Stone Creamery, discussed her request for the Board's proclamation of "World's Largest Ice Cream Social Day", which was approved under the Consent Agenda.

Mr. Hicks noted that they received notification from the Road Commission of a road closure, Milford Road between Eleven and Twelve Mile Roads from August 14th to September 1st.

6. CALL TO THE PUBLIC NONE

7. APPROVAL OF AGENDA

The following item was moved up on the agenda under New Business:
- (e) Quote for Website Design

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

Voice Vote: Ayes: All
 Nays: None

Motion approved.

8. UNFINISHED BUSINESS

a. Second Reading and Proposed Adoption of Industrial Activity Statement Ordinance

Mr. Quinn stated that this is here tonight for a second reading and approval. It is in the same form as it was approved at the first reading.

Mr. Hicks moved by resolution to adopt the Industrial Activity Statement Ordinance requiring this whether or not there is a site plan. Mr. Schilling supported the motion.

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

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

Motion approved.

b. Second Reading and Proposed Adoption of Performance Guarantee Ordinance

Mr. Quinn noted that this ordinance is also in the same form as it was at the first reading.

Mr. Hicks moved to adopt the modification of Article 17, Performance Guarantee, Section 17.02.
Mr. Schilling supported the motion.

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

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

Motion approved.

c. Sign Ordinance Revisions (First Reading Approved July 5th with Changes)

Mr. Quinn stated that they did not have time to get this into a final form, and requested that it be tabled until the next meeting.

Mr. Hemker motioned to table the sign ordinance revisions until the next regular meeting.
Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

d. Fire Department Millage Question for November General Election Ballot

Mr. Olson distributed and discussed a Taxable Value Growth Rate chart that he compiled. Also indicated on the spread sheet are approximate costs for the various fire equipment, which will be needed over the next ten years.

There was discussion regarding the equipment listed. Mr. Hicks noted that he was surprised to see a ladder truck indicated especially after the discussions that they have had in the past joint meetings. He questioned if the mutual aid agreements would impact this. Mr. Cash noted that in the future they will need a ladder truck because of some of the buildings that will be constructed.

The Board discussed the option of putting a millage question or a bond question on the ballot in November. It was noted that the language would have to be submitted to Oakland County by August 15th in order to be on the November ballot.

Mr. Olson stated that if the Board were to agree with this they should indicate a borrowed sum of not to exceed \$2.3 to \$2.4 million for a period of ten years in lieu of twenty years based on 3/10 of a mil. Mr. Quinn explained how this would work. He noted that the Township would not need the entire amount to begin with. He stated that if the Board were to consider the ballot question, it should be contingent up the finalization and approval of Tom Traciak and Paul Wygowski, Bond Council.

Mr. Schilling moved to direct the Township Attorney to modify the proposed resolution regarding the Fire Department millage proposal into a bond proposal with the ballot question, as indicated by discussion tonight, that it would not exceed \$2.4 million for ten years, with the average annual debt service to be not more than .3 mils for the 10 years with directions to the Township Superintendent to calculate the amount of debt service millage for the first year for the completion of that ballot question. Ms. Carcone supported the motion.

Mr. Young asked if there were any comments or questions. Mr. Cash stated that the reason they

are asking for this millage is that the General Fund is unable to fund capital improvements, major equipment and apparatus for the Fire Department.

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

Motion approved.

e. Southwest Water Main SAD Phase I – Revised Bid Recommendation

Mr. Crandell explained that the Southwest Water Main SAD was bid out in two phases with bids for Phase I being opened on March 21, 2006. He stated that whenever they go out for bid for anything there is a provision in the bid that the contractor must hold the bid firm for a period of time, in this case it was 90 days. He noted that Star Contracting, which was the low bidder, does not wish to hold their bid after the 90 day period. Therefore, Giffels-Webster is recommending that the job be awarded to Pamar Enterprises, which was the second low bidder, at \$801,892. He stated that Pamar has indicated that they are willing to hold their bid firm.

Mr. Hemker moved to award the contract for the Southwest Water Main SAD Phase I to Pamar Enterprises, with a total cost of \$801,892. Mr. Hicks supported the motion.

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

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

Motion approved.

f. Resolution Southwest Sewer Special Assessment District

Mr. Quinn explained that Paul Wygowski, Bond Counsel, has prepared the Bond Resolution with special assessment bonds series 2006-A. The total amount of the bond is for the Southwest Sewer and Water Special Assessment Districts totaling \$20,633,530.40. He stated that this just authorizes the bond sale to move forward.

Mr. Cash moved to approve the bond resolution special assessment bond series 2006-A in the amount of \$20,633,530.40. Mr. Schilling supported the motion.

Mr. Young asked if there were any comments or questions. Mr. Hemker questioned the amount of \$20,630,000 indicated in the bond. It was noted that the amount was rounded.

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

Motion approved.

9. NEW BUSINESS

a. Quote for Website Redesign

Mr. Hicks explained that the sub-committee interviewed and received bids from Pixelbit and Tech Resources for the redesign of the Township's website. He indicated that he would recommend the bid from Pixelbit in the amount of \$4,750 for this project.

There was discussion with regard to what the new website would include.

Mr. Hicks offered the motion to accept the bid of \$4,750 from Pixelbit for the enhanced redesign of the Township's website with the ability for file sharing and put in a newsletter and improving the database drive website at \$260 per year. Mr. Cash supported the motion.

Mr. Young asked if there were any comments or questions. Mr. Hemker questioned the ability for a newsletter. It was noted that the residents could sign up for e-mail delivery of the newsletter. There is a one-time design fee of \$750 for the template.

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

Motion approved.

b. AP-03-07, Meadowcreek of Lyon Planned Development – Tree Survey and Protection Plan

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

David Goldberg, Aspen Group Lyon, discussed the comments in the McKenna Associates, Inc. letter. He also discussed the Tree Protection Ordinance and how it affects their development. He indicated that until they get resolution for the tree issue, they cannot sign the easement agreement for the Southwest Sewer project.

After further discussion, it was indicated that the sub-committee for the Tree Ordinance changes would be meeting in the near future. Mr. Goldberg indicated that if the Board wanted to table this issue until after the sub-committee meets, he would be agreeable to this.

Mr. Schilling moved to table this issue until the next regular meeting. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

c. Request to Create Tool & Dies Renaissance Recovery Zone

Mr. Olson stated that before the Board this evening is a resolution to grant a Renaissance Recovery Tool & Die Zone for Richard Tool & Die. He stated that this is allowed under a recent State Act, which he explained.

Al Aceves, UHY Advisors, gave a brief presentation of what a Renaissance Recovery Zone entails and why Richard Tool & Die is a qualified candidate. Richard Heidrich, Richard Tool & Die, briefly spoke about his company and how this program will help them. Michele Eaton, Oakland County Planning & Economic Development Services, indicated that the County is in support of this program.

Mr. Olson stated that he provided the Board with an updated resolution for their consideration of this issue. He noted that there should be some discussion with regard to the time frame. He stated that he put five years in the resolution even though the applicant has requested fifteen years. After discussion, the Board determined they would put a time limit of ten years on this.

Mr. Hemker moved to adopt a resolution to designate Richard Tool & Die and property, which are owned by RTD Realty as a Renaissance Recovery Zone under Public Act 376 of 1996 as amended

by Public Act 93 of 2006 for a duration of up to ten years from the date of this resolution.
Mr. Cash supported the motion.

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

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

Motion approved.

d. AP-06-14, Lyonbrook Planned Development Conceptual Review

The applicant was not present.

Mr. Hicks moved to table the Lyonbrook Planned Development Conceptual Review for up to 60 days. Mr. Schilling supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

e. First Reading and Proposed Adoption of New Special Assessment Ordinance

Mr. Quinn explained that the Treasurer requested this ordinance as it pertains to Article 2 of the Miscellaneous Special Assessment portion for such items as past due sewer bills, past due water bills, weed cutting and any other miscellaneous cost that the Township would incur.

Mr. Quinn noted that in his letter dated July 7, 2006 to Ms. Carcone there were a few added items that he would like the Board to discuss.

- Section 39-6(b), Section 39-20, Section 39-25, Article II – The Board determined that these items should be included.

Mr. Cash moved to approve the first reading and proposed adoption of the New Special Assessment Ordinance with the changes discussed. Mr. Hemker supported the motion.

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

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

Motion approved.

f. First Reading and Proposed Adoption of Reimbursement of Review Fees

Mr. Quinn explained that this ordinance will require that anybody coming into the Township who is going to schedule a meeting and take the time of the contracted services representatives, which the Township has to pay, that the applicant will be expected to reimburse the Township for these fees. He noted that these fees must be paid up front.

Mr. Cash moved to approve the first reading and proposed adoption of Reimbursement of Review Fees. Mr. Hemker supported the motion.

Mr. Young asked if there were any comments or questions. Shirley Baker, Stancrest, questioned what type of site plans does this cover. Mr. Quinn explained.

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

Motion approved.

g. Park Committee Appointments (Tabled from July 5th)

Mr. Hicks explained that they have more people volunteering for the Park Committee than what the Bylaws allow. He stated that they would like to include everyone indicated on the list that he provided the Board with the exception of Tracy Vitkay, who would like to be notified when the committee will meet. He stated that in order to accommodate this, they would need to make a few changes to the bylaws, which he has indicated on a sheet distributed to the Board.

Mr. Hicks moved to change the wording under Section III of the Park Bylaws to state that the following:

- Advisory Committee shall consist of up to 13 members;
- There shall be up to 9 at-large members
- ADD – A quorum shall be a majority of those present with a minimum of 5 members.

Ms. Carcone supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motioned approved.

h. Discussion and Possible Consideration of Facility Agreement with Lyon Wastewater

Mr. Quinn stated that the committee working on this document is trying to bring it to a close. He stated that it corresponds with the sale of the bonds for the Southwest Sewer and Water Special Assessment District and the fact that this agreement must be executed prior to the bonds being sold. He stated that the language is in its final form and that they really don't see any of the actual language changing. He briefly discussed some of the issues that will be discussed at a meeting tomorrow regarding this issue.

This was discussion only – no formal action was taken by the Board.

i. Zoning Ordinance Amendments per the Michigan Zoning Enabling Act – First Reading

Mr. Doozan explained the amendments proposed to the zoning ordinance.

Mr. Hicks moved to approve the first reading of the Zoning Ordinance Amendments per the Michigan Zoning Enabling Act. 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.

j. Review of Current Board Policy for Ordinance Adoption

Mr. Quinn stated that he asked Clerk Johnson to put this item on the agenda so that the Board could determine whether they feel that they need a policy or just direct the staff and consultants

Meeting adjourned at 10:18 p.m.

Respectfully Submitted,

Deby Cothery
Recording Secretary

Pamela Johnson
Clerk