

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

Approved as submitted October 2, 2006.

DATE: September 5, 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: 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: 35

4. **APPROVAL OF THE CONSENT AGENDA**

- Approval of Special Meeting Minutes of July 27, 2006
- Approval of Regular Meeting Minutes of August 1, 2006
- Approval of Disbursements
- Revenue/Expense Report through July, 2006/Cash Balance Report through July, 2006
- Acceptance of Bill of Sale for Water Line and Bill of Sale for Sewer Line from Mar Jay Real Estate, LLC regarding the Liberty Chevrolet property
- Acceptance of Grant of Permanent Water Main and Grant of Permanent Sewer Easement Mar Jay Real Estate, LLC regarding the Liberty Chevrolet property
- Acceptance of Grant of Permanent Water Main Easement from SPI Investments LLC (Nailco)
- Acceptance of Grant of Permanent Water Main Easement and Permanent Sewer Easement from Lyon Township Properties LLC for Parcel No. 21-12-451-022
- Estimate from Andrew Reed & Associates for Appraisal Services on Properties within the Southwest Sewer SAD, Phase 3
- Acceptance of Bill of Sale for Sewer Line from mill River Investors, LLC
- Building Department Report for July, 2006

- Sheriff Department Report for July, 2006
- Fire Department Report for July, 2006
- Zoning Report for July, 2006
- Engineer Status Report for July, 2006
- Earth Tech Report for July, 2006
- Resolution Opposing the "Stop Overspending Ballot Proposal" per MTA Recommendation

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. Mr. Schilling supported the motion.

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

Motion approved.

5. ANNOUNCEMENTS AND COMMUNICATIONS

Ms. Carcone reminded the residents that taxes are due by September 14, 2006 without penalty or interest.

a. Library Presentation Budget Funding

Chriss Roberts, 56645 McKenzi Lane, gave a brief presentation regarding the funding for the Library. He noted various ways that the Library Board will attempt to cut their budget.

6. CALL TO THE PUBLIC

Jeff Potter, County Commissioner for District 8, thanked the Board and the residents for their support in returning him to the November ballot. He updated the Board on happenings County wide as well as the County's budget. He noted that the County has not requested a millage increase or laid off any employees. Also briefly discussed the Wireless Oakland project. He noted that this project is up and running in Wixom.

Ann Riener, Milford, questioned the procedure that she needs to go through in order to have a roadside stand at 54500 Grand River. It was indicated that an application for a special use would have to be completed and submitted.

Betty Mizutani, 59656 Sterling Drive, thanked the Board for hearing the Library's presentation regarding funding. She indicated that she would not want to see the Library close.

Nancy Bagley, 14 Kensington, commented on the status of the Library and indicated that she would like to see the Library remain open.

Mary Pat Freund, 651 Woodland, appealed to the Board to keep the Library open. She stated that she does not think that the public really understood the millage proposal.

7. APPROVAL OF AGENDA

Mr. Young asked if there were any additions or changes to the agenda. There were none.

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

Voice Vote: Ayes: All

Nays: None

Motion approved.

8. UNFINISHED BUSINESS

a. Second Reading and Proposed Adoption of Sign Ordinance Revisions (First Reading Approved July 5th with Changes, Tabled August 1st)

Mr. Quinn explained that in front of the Board tonight is the 2006 Sign Ordinance amendment for the second reading. He noted that this does incorporate the changes that the Board made at the first reading.

Mr. Hemker moved to approve the second reading and adopt the Sign Ordinance revisions. Mr. Schilling supported the motion.

Mr. Young asked if there were any comments or questions.

Dawn Salvati, 57721 Grand River, felt that there should be some sort of conditions to allow temporary signs. She stated that she could show the Board numbers where business is much higher with an "OPEN" sign than without one. She felt that sandwich boards are not a good idea.

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

Motion approved.

b. Second Reading and Proposed Adoption of the Michigan Zoning Enabling Act Ordinance

Mr. Quinn stated that this ordinance has not changed since the first reading. He stated that this will bring the zoning ordinances up to the current standards required by the Michigan Zoning Enabling Act.

Mr. Hicks moved to adopt the ordinance amendment for the Zoning Ordinances to comply with the Michigan Zoning Enabling Act, Public Act 110 of 2006. Mr. Schilling supported the motion.

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

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

Motion approved.

c. Second Reading and Proposed Adoption of New Special Assessment Ordinance

Mr. Quinn explained that this is the 2006 Special Assessment Ordinance allowing for public improvement and for assessments of delinquent accounts owed to the Township and other contractual matters. He noted that this is in the same format as the first reading and is ready for the Board's consideration.

Mr. Schilling moved to approve the second reading and adoption of the New Special Assessment Ordinance. Mr. Hemker supported the motion.

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

Nays: None

Motion approved.

d. Second Reading and Proposed Adoption of Reimbursement of Review Fees Ordinance

Mr. Quinn explained that this is the ordinance requiring the payment of monies to reimburse the Township for review expenses. This is in the same format as the first reading and is ready for the Board's consideration and adoption.

Mr. Schilling moved to approve the second reading and adoption of Reimbursement of Review Fees Ordinance. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments or questions. Mr. Young expressed some concern with some of the language.

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

Motion approved.

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

Mr. Quinn gave an overview of where the Township is with relation to this issue.

Mr. Hicks moved to approve the second amended sewage disposal facility agreement that authorizes the Supervisor and Clerk to sign said agreement subject to the final review and approval of the financial obligations set forth in paragraph 9b by the Superintendent, Township Attorney and the Township Engineer and the finalization of all the exhibits subject to the approval of the same individuals and with the requirement that the final documents be signed on or before September 8, 2006 and additionally with the language changes proposed by the Township Attorney in his draft of September 5, 2006. Ms. Carcone supported the motion.

Mr. Young asked if there were any comments or questions. Mr. Hemker noted that he did not get an e-mail from Mr. Quinn regarding this. He also noted that he has not seen any of the revisions for this, therefore, he cannot vote in favor of this item.

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

Motion approved.

f. 8 Mile Bike Path

Mr. Olson explained the proposal from the City with regard to linking the bike path down Eight Mile Road. He discussed the estimated expenses of this project, indicating that the Township's portion would be approximately \$128,514.00.

The Board discussed this issue and determined that they are not in favor of supporting this project at this time. Ms. Carcone noted that there are not a lot of Township residents who would benefit from a path at this location.

Ms. Carcone moved to deny the request from the City of South Lyon to install a bike path along the Eight Mile corridor for financial and funding reasons and for unknown costs. 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.

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

Mr. Doozan noted that this issue was tabled at the last meeting to allow the Tree Committee to meet and work on this issue. He stated that the Tree Committee is still working on revising the ordinance and will probably be meeting again sometime next week. He stated that he would recommend that this issue be tabled for one more month.

Mr. Schilling made a motion to table AP-03-07, Meadowcreek of Lyon Planned Development – Tree Survey and Protection Plan for one more month. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

9. NEW BUSINESS

a. Computer Network Upgrade Quote

Mr. Young explained the quote from Tech Resources that he provided to the Board. He stated that he would recommend the Board accept the computer upgrade proposal in the amount of \$14,699 from Tech Resources.

Mr. Schilling moved that this issue be postponed in order to get two more quotes for this service. Mr. Hemker supported the motion.

Mr. Young asked if there were any comments regarding the motion. Mr. Young stated that the reason that they did not get two more quotes is not that quotes for this would be very difficult to get. He stated that all of the items listed could be given out for quote, but some of the things have been built up over the years from Tech Resources.

Mr. Schilling stated that they went through a similar situation with the Fire Department's bid for a new truck. He stated that the Board agreed that they needed more than one quote for that situation. He felt to better serve the community, it is justifiable to get more quotes.

Matt Shelley, Tech Resources, indicated that this is actually an upgrade of the Township's existing system.

Ms. Carcone stated that the Township has used Tech Resources for the past ten years. She stated that they have been very happy with the service and the prices that they have received from Tech Resources. She stated that although she agrees with Mr. Schilling and Mr. Hemker with regard to getting two more quotes, but she doesn't have a problem with just the one quote from Tech Resources. Ms. Johnson concurred.

Mr. Olson noted that the financial distribution is between the General Fund and the Building Department, with \$10,323 coming from the General Fund and \$4,376 coming from the Building Department.

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

Motion failed.

Ms. Carcone motioned to approve the computer system upgrades by Tech Resources for an amount not to exceed \$15,000. Ms. Johnson supported the motion.

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

Motion approved.

b. AP-05-08, Windridge Site Condominium, Average Lot Size Plan Approval Request

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated August 18, 2006 regarding this issue.

Mr. Hicks moved to approve AP-05-08, Windridge Site Condominium, Average Lot Size Site Plan condition upon the three items indicated in the August 18, 2006 McKenna Associates, Inc. letter with the additional item of the street names which must be approved by the Fire Chief. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

c. Proposed Town Center Overlay District and Amendments to Section 19.03, subsection A

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

Mr. Quinn noted that tonight the Board is really considering three separate ordinances:
- A new ordinance, Section 34.01, Town Center Overlay District
- Amendments to Section 19.03
- Zoning Ordinance amendment, which is the adoption of the Town Center Overlay District to the map

He stated that this is really a first reading for these three items. He noted that these will be separated out for the second reading.

Mr. Schilling moved to approve the first reading of the Proposed Town Center Overlay District and amendments to Section 19.03. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments or questions. Mr. Hicks stated that he would like to see language regarding the "Front doors must remain open" in this. Mr. Quinn noted that they can add language to cover this.

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

Motion approved.

d. FEMA Map Adoption – Resolution for National Flood Insurance Program & Resolution of

Ordinance to Amend Chapter 10, Buildings and Building Regulations, Article 11, Single State Construction Code by Adding Section 10.35 and Section 10-36.

Mr. Quinn stated that FEMA and Oakland County have finally completed the update of the flood plain mapping. He noted that for the first time Lyon Township is included in the mapping. He stated that all municipalities in Oakland County are being asked by the State FEMA Administrator to adopt this ordinance, which must be in effect by September 29, 2006. He asked that with any motion to approve this ordinance, that there be a determination that this must have immediate effect by September 29, 2006 to promote the health, safety and welfare of the residents.

Mr. Schilling moved to approve the first and only reading of the FEMA Map Adoption with a effective date of September 29, 2006. Mr. Hicks supported the motion.

Mr. Young asked if there were any questions or comments. Mr. Hemker questioned why it is necessary to act quickly on this. Mr. Quinn noted that these actually came out at the end of July, but by the time we received them, it was necessary to approve them as an emergency ordinance.

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

Motion approved.

Mr. Hicks moved to adopt the Community Resolution to Manage Floodplain Development for the National Flood Insurance Program for Lyon Township. Mr. Cash supported the motion.

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

Motion approved.

Mr. Schilling moved to adopt the Michigan Community Resolution of Intent for Participating in the National Flood Insurance Program. Mr. Hicks supported the motion.

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

Motion approved.

e. Park Committee Bylaws Revised and Recommendation to Change Lyon Township Community Park Name to the James F. Atchison Memorial Park, In Honor of Former Supervisor and His 20 Years of Service

Mr. Hicks briefly explained the changes made to the Park Committee Bylaws.

Mr. Hicks moved to adopt the Lyon Charter Township Parks & Recreation Advisory Committed Bylaws with the addition of update of the date and updating of the signatories. 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.

Mr. Hicks moved that the newly formed Park Committee has recommended the Lyon Township Park be renamed to The James F. Atchison Memorial Park, in honor of our former Supervisor and his twenty years of service to Lyon Township. 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.

f. Martindale Pathway

Ms. Zawada reviewed the comments indicated in the Giffels-Webster Engineers letter dated August 25, 2006 regarding this issue.

Mr. Young noted that they have received a letter from Lloyd & Diana Brumfield expressing their opposition to this. Ms. Carcone stated that she has read the letter from the Brumfield's and feels there may be some misconception of the project. She felt that one of the Board members should contact the Brumfield's to discuss and explain it. Mr. Young stated that he would contact the Brumfield's to explain this.

Mr. Schilling moved to approve the project only by the authorization of the Township Supervisor, after he and any other Board members have had the opportunity to meet with the property owners. Therefore, the Engineers cannot move forward without the Supervisors okay. Mr. Hemker supported the motion.

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

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

Motion approved.

g. First Reading of Ordinance to Amend Chapter 46, Utilities, Article II, Water and Sewage Division, IV-Water System, Section 46-130. Fire Hydrants to Prohibit Illegal Fire Hydrant Use by Non-authorized Persons.

Mr. Quinn stated that this ordinance was requested by the Oakland County Drain Commissioner, in an letter to Mr. Olson, for protection of the water system from unauthorized accesses. He explained what the ordinance does.

Mr. Schilling moved to approve the first reading of Ordinance to Amend Chapter 46, Utilities, Article II, Water and Sewage Division, IV-Water System, Section 46-130. Fire Hydrants to Prohibit Illegal Fire Hydrant Use by Non-Authorized Persons. Mr. Hicks supported the motion.

Mr. Young asked if there were any questions or comments. Les Cash, Fire Chief, stated that one of the big things on this is that the County is worried about not getting their money for the water. He questioned why he pays for water that he is not using for fire protection. He indicated that he would like to discuss this at a later time.

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

Motioned approved.

h. General RV Property – Request to Line Stake – Tree Protection Ordinance Violations

Mr. Quinn gave the Board some background information regarding this issue. He stated that the issue before the Board this evening is whether or not they want to pursue a lawsuit, in accordance with the Township ordinances, against the owner of the property for the value of the trees. He explained what he would need to know in order to proceed with this type of lawsuit. He stated that if the Board does not want to file a lawsuit, the Township still has the right to issue a municipal civil infraction against the individuals.

Mr. Olson briefly discussed some additional information regarding this issue:

- At approximately the time that these trees were cut down, we were in discussions with the General RV people with conceptual plans for the new headquarters that they were proposing.
- The property was sold on October 31st for \$3.65 million.

Mr. Cash stated that he is not in favor of doing anything because when this was rezoned he expected all the trees to be taken down with the hopes of better landscaping. He stated that to go back after the former resident and sue them now, he is not in favor of it.

Mr. Young felt that it is not worth it to go after this now. He felt that it is water over the dam.

Mr. Olson stated that at this point what they have is a fairly obvious violation of the Township's Ordinances.

Ms. Carcone felt that they should let this go.

Ms. Carcone made a motion to drop this issue. Mr. Cash supported the motion.

Mr. Young asked if there were any comments or questions. Mr. Young briefly discussed the three options that the Board has – (1) pursue a lawsuit, (2) pursue a civil infraction, and (3) do nothing. He stated that the only concern he has with doing nothing is that it is telegraphing out there that the ordinances are not worth the paper that they are written on. He stated that he does not want to pursue a lawsuit, but does not want to do nothing.

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

Motion failed.

Mr. Young motioned to treat this issue as a civil infraction and pursue it accordingly. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments or questions. Mr. Quinn noted that this will allow a ticket to be issued and then follow through circuit court.

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

Motion approved.

10. MISCELLANEOUS

Brief discussion regarding holding a special meeting for the purpose of discussing the budget was held. Mr. Young indicated that he would contact the Board members to discuss a date and time for this meeting.

- 11. **ITEMS REMOVED FROM CONSENT AGENDA FOR ACTION OR DISCUSSION** **NONE**
- 12. **EXECUTIVE SESSION REGARDING PENDING LITIGATION/PROPERTY ACQUISITION** **NONE**
- 13. **ADJOURNMENT**

Mr. Schilling moved to adjourn the meeting. Mr. Young supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.
Meeting adjourned at 9:10 p.m.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary

Pamela Johnson
Clerk