CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES
October 2, 2006

Approved as submitted November 1, 2006.

DATE: October 2, 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
Patricia Carcone, Treasurer
Pamela Johnson, Clerk
Brent Hemker, Trustee
Daniel Cash, Trustee
John Hicks, Trustee
Troy Schilling, Trustee

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

Guests: 28

4. **Approval of Consent Agenda**

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

Roll call:
Yes: Mr. Hemker, Mr. Young, Ms. Carcone, Mr. Schilling, Mr. Hicks, Ms. Johnson, Mr. Cash
Motion approved.

5. Announcements and Communications:

Ms. Carcone announced that the Township sold bonds today. The Township gets rated before every bond issue, with our rating agency being Standard and Poor's. The Township retained an A minus rating.

Mr. Hicks reminded the Board that it was time to start thinking about the Newsletter.

Mr. Quinn announced that the transfer of the sanitary sewer facility was completed last Wednesday and the Township is now the owner of their own sanitary sewer.

6. CALL TO THE PUBLIC

Betty Mizutani, 59656 Sterling Drive – Ms. Mizutani said she was representing the library as they are moving forward and trying to get funding for next year. They are moving into the petition process and would like to thank Mr. Quinn for getting the language together for them. They are hoping to get the petition started this week and are hoping to have it at Pumpkin Fest.

David DeGroat, 29434 Hampton Court – Mr. DeGroat had some safety concerns regarding Lyon Center Drive and Grand River as you are approaching from Milford Road taking the cut off and coming to Grand River. It is dangerous because you have to get your car out onto Grand River to see traffic. He also had a concern at Martindale and Pontiac Trail. There is a lilac bush that is growing and cars on Martindale have to go out onto Pontiac Trail to see if they can turn. He thanked Ms. Carcone for meeting with him when he paid his taxes and answered many of his questions. He commented on the park behind the Township Hall. There is only one usable baseball field and that is in terrible shape. The tennis court and concession stand are not usable. He said that the Township is not giving the people of the area any justice by leaving the park the way it is. He also said the parking lot is in bad shape as well. He suggested that the Township do something with the money that is coming in.

7. APPROVAL OF AGENDA

Mr. Young asked to move item "i" under old business to the first item under old business.

Mr. Hicks moved "to change item "i" to number one"

Ms. Carcone moved "to approve the agenda with the changes of the bond resolution for item number 1." Mr. Schilling supported the motion.

Voice Vote: Ayes: All
Nays: None
Motion approved.

8. Unfinished Business:

9.Public Hearing on Truth in Budgeting for 2007 FY Budget

Mr. Olson used overhead displays to explain the truth in budgeting. He said that for the truth in budgeting there is a property tax rate for our operating fund. Those in the general fund and police operating fund require a public hearing to maintain a tax rate and it is a decision based on the Township growth. The Townships overall tax base has grown from four hundred seventy three million (fiscal 2002) to almost seven hundred and fifty million dollars (fiscal 2007). Mr. Olson said that the downtown development authority captures a portion of that. The downtown area and industrial areas growth has increased from 42 million (fiscal 2002) to 142 million (fiscal 2007). Those monies captured allow for budget improvements along the Grand River corridor. That will be a 30 million dollar plan that has been approved by the Downtown Developmental Authority and the Township Board. Mr. Young also explained that the money cannot be used for anything else. Mr. Olson also explained that there is an eight percent increase in usable taxable value from fiscal year 2007 to 2008 for the general fund and police-operating fund.

Mr. Olson continued to discuss the levies from 2002 and 2006. The levies for 2002 were almost 4.5 mills. For 2006 the levy looked the same as in 2005. In 2006 there was not an incremental decrease even though there was growth, it was not the kind of growth that triggered a reduction. The maximum that can be levied this year is 3.65 mills or the Township can retain the same rate at 3.7666 for operations. The overall tax rate can go down from 4.2 mills to 4.12 mills. Overall, what we are looking at is a seventeen percent reduction in taxes from 2002 for the overall tax rate. It will be two percent less then last year. Mr. Olson said that the Township has been going through the budget for the past couple of weeks. It looks like the Township will have about a 2.4 million dollar fund balance by the end of this fiscal year. He further explained that the Township is in good financial shape, but steps need to be taken now to stop any potential problems in the future.

Open public hearing 7:17 p.m. No public comments were offered.

Public hearing closed at 7:18 p.m.

Mr. Olson asked that the Board confirm the tax rates. He explained that the Township is looking at a millage rate of 3.7666 total for operations and .3534 for debt for a total of 4.12 mills for 2007.

Ms. Carcone moved "to approve the truth in budgeting for the Township with the operating millage of 3.766, debt fire millage at .3534. Millage to be rolled on the tax bill will be 4.12." Mr. Schilling supported the motion.

Roll Call:

Yes: Mr. Hicks, Ms. Johnson, Mr. Cash, Mr. Young, Ms. Carcone, Mr. Hemker, Mr. Schilling

Motion approved.

10. a. Resolution Awarding Bonds and Amending Bond Resolution

Tom Traciak, Township Financial Advisor, reported the Township sold bonds today and before the Board is a resolution, which will award the sale to the lowest true interest cost. The lowest bidder was UBS Securities LLC and the interest rate over 20 years was 4.21 percent. There were five other bidders and they ranged up to a 4.3 percent. He also said that the A minus rating was good news. It reflects that the rating agency thinks the board is managing their capital improvements (water, sewer, and roads) favorably.

Ms. Carcone moved "to award the bond resolution to UBS Securities LLC. For the Townships Special Assessment Bonds in the amount of $20, 630, 000 series 2006-A." Mr. Hicks supported the motion.

Roll Call:

Yes: Ms. Carcone, Mr. Hemker, Mr. Schilling, Mr. Hicks, Ms. Johnson, Mr. Cash, Mr. Young

Motion approved.

b. Presentation by South Lyon Youth Assistance – Tom Mihalic, Nancy Minckler and Bob Ziegler

Mr. Mihalic explained he is the chairperson for South Lyon Youth Assistance, which is a social service agency. He explained that for the first time this year, they are doing a fundraiser for the Julie Berz Outstanding Volunteer Award Scholarship. He invited the Board to the Road Rally on October 28th. He explained the services that they provide to children in the area.

Ms. Debby Little explained the summer program that South Lyon Area Youth Assistance held.

Ms. Jenny Little explained the homework center service that is provided for students.

Ms. Nancy Minckler explained the counseling services available.

Mr. Bob Ziegler explained more programs such as summer camp, skill building, and youth recognition. He also discussed the budget.

Mr. Hicks said that the South Lyon Area Youth Assistance includes all of the school district, yet there is nothing from Salem Township. Mr. Ziegler said that they have in the past approached them and Salem has never given them any money. He also said that they hope for the same amount of continued support from the Township.

c. Second reading on Proposed Adoption of Towns Center Overlay District Ordinance

Mr. Hicks pointed out a typing error on page 34-3, item 8 and number 7 should read "more then." Mr. Hicks also said that for 34-5 item d4, he would like it include pedestrian passageways.

Mr. Cash moved "to approve the second reading and proposed adoption of the Town Center Overlay District Ordinance." Ms. Carcone supported the motion.

Mr. Olson pointed out, in regards to section 34.05a, building entrances, the language permits it to be unlocked during business hours. He was not sure if that sufficiently covered Mr. Hicks comments from a past meeting about making sure front entrances are used as opposed to locked with a sign that says, "use rear entrance." Mr. Hicks said that he was not sure what else could be said.

Mr. Quinn said the words "and open to the general public" will cover it.

Ms. Carcone asked what type of parking could be in front of the building. Mr. Olson said it could be on the side or the rear. They will be allowed to petition the Planning Commission to allow some in the front.

Roll Call:
Yes: Mr. Hicks, Mr. Schilling, Mr. Young, Ms. Carcone, Mr. Hemker, Ms. Johnson, Mr. Cash
Motion approved.

d. Second Reading and proposed Adoption of Ordinance Amendment to Section 19.03 (A)

Mr. Cash moved "to approve the second reading and proposed adoption on the Ordinance amendment Section 19.03(A)." Mr. Hicks supported the motion.

Roll Call:
Yes: Mr. Young, Ms. Carcone, Mr. Hemker, Ms. Johnson, Mr. Cash, Mr. Hicks, Mr. Schilling
Motion approved.

e. Second Reading and Proposed Adoption of Town Center Overlay District Map Amendment Ordinance

Mr. Hicks moved "to approve the zoning map for the Town Center Overlay District." Ms. Carcone supported the motion.

Mr. Hicks asked which map would be used.

Roll Call:

Yes: Ms. Carcone, Mr. Young, Mr. Schilling, Mr. Hicks, Mr. Cash, Ms. Johnson, Mr. Hemker

Motion approved.

f. Tree Protection Amendments- Status Updates

Mr. Doozan reviewed the comments in the McKenna Associates letter dated September 29, 2006.

Mr. Young said that everyone recognizes that the tree ordinance was deemed too restrictive. The last discussion that the board had was to some additional things that could be done to make it more equitable. He also explained that the reduction requirement for developers as far as tree replacement was a 60 plus percent reduction from the original ordinance.

Ms. Johnson asked if the Board wanted a final draft in front of them before taking action. Mr. Doozan said that he had it and there was one change on page thirteen. The replacement rate on number 3 was previously in ½ inch increments and it is now in 1/10 inch increments.

Ms. Carcone moved "to amend the agenda as submitted to include the tree protection ordinance as the first reading." Mr. Schilling supported the motion.

Voice vote: Ayes: Carcone, Cash, Hicks, Johnson, Schilling, Young
Nays: Hemker
Motion approved.

Ms. Carcone moved "to approve the first reading of the tree protection ordinance." Mr. Hicks supported the motion.

Voice vote: Ayes: Carcone, Cash, Hicks, Johnson, Schilling, Young
Nays: Hemker
Motion approved.

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

Mr. Quinn explained the issues regarding Meadowcreek to the Township Board and proposal from David Goldberg.

Ms. Carcone asked how many trees they were supposed to have. Mr. Doozan answered 1, 227 trees, under the old ordinance.

Mr. Cash said that he would like to see this move forward so the sewers can move

forward.

Ms. Zawada said that the sewer cost is more then what was originally thought within Meadowcreek. She said that she did not have the exact dollar amount, but it has increased approximately 200 to 250 thousand dollars.

Roll Call Consensus Vote to approve Mr. Goldberg's approval.
Yes: Mr. Schilling, Mr. Hicks, Ms. Carcone, Mr. Cash, Ms. Johnson, Mr. Young

No: Mr. Hemker

Proposal approved.

h. AP-06-14, Lyonbrook Planned Development, Conceptual Review-Applicant Michael Huszti (tabled from August 1st meeting for up to 60 days)

Mr. Doozan reviewed the comments in the McKenna Associates letter dated July 24, 2006.

Mike Huszti, 1800 N. Milford Rd., said that he was requesting a density bonus of two units. In return he will preserve the existing farm house. He also said that the zoning ordinance lists short preservation as high priority and justifies an increase in density. He also said that the architecture would model the existing barn house. He explained that he had more open space then required, will be preserving 11 trees, and preserving wet lands.

Ms. Carcone asked who was going to take care of the farm house. Mr. Huszti said the farm house will be occupied and the preservation could be handled in the PD agreement. Ms. Carcone said it is really a residence and she does not consider that a bonus.

Mr. Hemker said that he is not in favor of waving the 40 acre minimum because anyone with a 5 or 10 acre parcel will come to the Township and say they want a PD. There is a minimum for a reason.

Both Ms. Carcone and Mr. Cash said that they would like to keep it at 40 acres.

Mr. Young said he would like to see every development come in as a PD because it gives the Township more input. He said that he has no problem waiving it.

Ms. Johnson said that she would have trouble waiving it unless it was a unique situation.

Mr. Hicks said that he liked the control that a PD gives the Township, but the parcel is not unique and he did not find preserving the farm house important.

Mr. Schilling said that the 40 acre minimum was established for a reason.

i. **Second Reading and Proposed Adoption 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 Nonauthorized Persons.**

Mr. Hicks moved "to amend water and sewage section 46.13 to prohibit the illegal use of fire hydrants by nonauthorized persons.

Roll Call:

Yes: Mr. Cash, Mr. Young, Ms. Carcone, Mr. Schilling, Mr. Hemker, Mr. Hicks, Ms. Johnson

Motion approved.

j. **REU Buy Back Request from Kathleen Erwin and Bill Erwin**

Ms. Carcone asked if there were construction costs still left on the parcels and what was the Township going to do if they sold the house. Mr. Quinn commented that it would be up to the purchase agreement.

Ms. Carcone moved "on the matter of Bill and Linda Erwin, parcel 21-06-300-015 the Board here by consents to the buy back of 1.98 REU's at 5,700 hundred dollars per REU for the amount not to exceed $11,400.00, upon the condition that the sum reserved by the Erwin's be immediately paid back to the Townships Special Assessment District." Mr. Cash supported the motion.

Roll Call:

Yes: Mr. Schilling, Mr. Hemker, Mr. Hicks, Mr. Johnson, Mr. Young, Mr. Cash, Ms. Carcone

Motion approved.

Ms. Carcone moved "on the matter of Kathleen Erwin on parcel 21-06-300-016 and 21-06-300-017 purchasing 7.01 REU's at 5,700 hundred dollars per REU for a total amount not to exceed 40,000 with the same payback requirement." Mr. Schilling supported the motion.

Roll Call:

Yes: Ms. Johnson, Mr. Young, Mr. Cash, Ms. Carcone, Mr. Hicks, Mr. Hemker, Mr. Schilling

Motion approved.

11. **New Business:**

a. **Public Hearing to Reprogram CDBG Funds from 2002 through 2004**

Mr. Doozan reviewed the comments in the McKenna Associates letter dated September 26, 2006.

Open Public Hearing: 8:40 p.m.

John Bell, 23013 Currie Road, said that it was recommended to the library to get emergency bars put on the doors so that those in the library have quick access to the outside. He would like some motion be made to allow for bars on the library and senior center.

Jim Hamilton, 24200 Martindale Road, wanted to know how the Township determines if a house is eligible for the home improvement services or not. There is an eyesore at the end of Martindale Road. Mr. Doozan said that in order to be eligible, the homeowner has to be at a certain income level.

Close Public Hearing: 8:44 p.m.

b. Resolution Reprogramming CDBG Funding

Ms. Carcone moved "to reprogram the Community Development Block Grant Funds to account 731227 minor home repairs in the amount of $14,120.00 and reprogram number 132290 – account number 731227 for mobile home repair in the amount of $16, 897.50." Ms. Johnson supported the motion.

Voice vote:
Yes: Mr. Hemker, Mr. Cash, Mr. Young, Ms. Johnson, Ms. Carcone, Mr. Hicks, Mr. Schilling
Motion approved.

b. AP-06-23, Request to Rezone Parcel #21-31-200-003 from R-1.0, Residential Agricultural District, to B-2, Community business District and RM-2, Multiple Family Residential District-Agent for Applicant, Terry Sever

Mr. Doozan reviewed the comments in the McKenna Associates letter dated August 18, 2006.

Terry Sever, 34436 Beachwood, said that they have revisited the site and would like to review different alternatives. He pointed out that the property borders the City of South Lyon. The owner would have benefited if it were in the City of South Lyon. He also pointed out that there is going to be a large amount of development in the area (Eight Mile and Griswold and to the east). The commercial need will continue to grow. He thinks that it is appropriate to put commercial where commercial is. Mr. Sever also commented that there is no single family residential development abutting the property and no single family residential within 300 feet of the property. Mr. Sever used a map to show this. He also said that there is a wetland and creek that will offer protection from the development. Mr. Sever also asked the board to consider the first 300 feet of the property to be commercial and the remainder will be office. The Township does not have

a professional or medical building in the corridor. The last alternative was the north side commercial and the remainder multiple family. He also said that the ordinance is very restrictive and they feel that they can defend their argument that this parcel particularly does not do well in a single family residential development.

Mr. Hemker said that Mr. Doozan did a great job and they do not meet 7 of the 9 criteria from the zoning ordinance for rezoning. Mr. Cash suggested that they consider working with the other land owner. His main concern is with the residential to the south. He also wanted to know if they were planning on using Lyon Township utilities on the site. Ms. Zawada said that water will not be extended, but they will have sewer. They are part of the SAD. Ms. Carcone said that she did not appreciate Mr. Sever threatening the Board. Ms. Carcone asked if the owners reside on the property. They answered no. Mr. Young said that the idea of a commercial corridor is valid. What Mr. Young does not want to see is all of the corridors in the Township turned to commercial. He also said that he agreed with Mr. Cash and thought they should try and work with the other property owner to combine the two parcels. That would ensure more protection. Ms. Johnson said that with the current economic times she felt the Township will see commercial closing up. She also said that their duty is to protect the residents, which will be priority. Mr. Hicks said that he doesn't like it. He feels that the buffer is at Quail Run. He also said that he was not in favor of rezoning. He said that he thought it was a nonresidential corridor. Mr. Schilling said that he agreed with the comments from the Planners and Planning Commission. He also liked the idea of working with the other landowners.

The Board discussed transitioning and protecting to the south of the property.

Mr. Hemker said that this piece was meant to be a transition from the City into the township.

Supervisor Young requested public comment on this request. No public comment was offered.

Mr. Hemker moved "to deny the rezoning request on AP-06-23 from R-1.0 to B-2 and RM-2 based on the Planning Commissions findings and recommendations and based on McKenna's review letter of August 18, 2006." Mr. Hicks supported the motion.

Voice vote:
Yes: Mr. Cash, Mr. Young, Ms. Johnson, Ms. Carcone, Mr. Hicks, Mr. Schilling, Mr. Hemker
Motion approved.

c. Special Event Request for Thrive Fest, Saturday, June 2, 2007-Steve Lackey, Applicant

Steve Lackey, 1709 Laneville Court, was requesting to use the Lyon Township Park on June 2, 2007 for Thrive Fest. This will be a second attempt. He mentioned, that based on feed back from public, it will be on Saturday and they will be limiting the scope of the

layout. They will put all of the staging in the area between the road and parking lot and it will be in a tent. They will do that to minimize noise. It will be facing the north, also helping with the sound facing the north.

The Board discussed the issue of making a profit and the Township collecting a 4 percent net revenue.

Ms. Carcone said that she has no problem with it except for the noise level. She was glad to see that they were using the park.

Mr. Schilling moved "to approve the special event request for Thrive Fest for Saturday June 2, 2007." Mr. Hemker supported the motion.

Voice vote:
Yes: Ms. Johnson, Mr. Young, Mr. Hicks, Ms. Carcone, Mr. Hemker, Mr. Schilling, Mr. Cash
Motion approved.

d. Earth Tech Contractual Price Adjustment

Mr. Olson explained the issue regarding the Earth Tech Contractual Price Adjustment.

Mr. Cash said that it shows a retroactive as of March. He asked why they did not come in with a proposal in March. Mr. Olson said that he did not know.

Mr. Olson explained the waste water treatment facility.

Ms. Carcone said the she does not agree with paying for the retroactive.

Mr. Cash asked if they have sent a formal letter to the Township. Mr. Cash said that he supports it, but he did not understand why they waited so many months.

Mr. Quinn suggested that before any discussion is made, the contract needs to be looked at.

Mr. Schilling moved "to postpone this item, based on the lack of information." Ms. Carcone supported the motion.

Voice vote: Ayes: all
Nays: none
Motion approved.

e. Telephone System quotes

Mr. Young introduced and gave the Board the information regarding the telephone system quotes for the Township.

Mr. Cash moved "to buy a new phone system an the amount not to exceed $15,000." Ms. Carcone supported the motion.

Voice vote:

Yes: Mr. Cash, Ms. Johnson, Mr. Young, Mr. Hicks, Ms. Carcone

No: Mr. Hemker, Mr. Schilling

Motion approved.

12. Items Removed from Consent Agenda for Action or Discussion-None

13. Executive Session Regarding Pending Litigation/Property Acquisition-None

14. Adjournment

Ms. Carcone moved to adjourn the meeting. Ms. Johnson supported the motion.

Voice Vote: Ayes: All
Nays: None
Motion approved.

The meeting was adjourned at 10:00 PM.

Respectfully Submitted,

Catherine Culver

Catherine Culver
Recording Secretary

Pamela Johnson

Pamela Johnson
Clerk