

**CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES
MEETING MINUTES
December 4, 2006**

Approved as submitted January 8, 2007.

DATE: December 4, 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

Also Present: Philip Seymour, Township Attorney
Chris Olson, Township Superintendent
Michelle Aniol, Township Planner
Loren Crandell, Township Engineer

Guests: 14

4. **APPROVAL OF THE CONSENT AGENDA**

- Approval of Special Meeting Minutes October 18, 2006
- Approval of Regular Meeting Minutes of November 1, 2006
- Approval of 2007 Schedule of Meetings and Holidays
- Approval of Disbursements
- Revenue/Expense Report through October, 2006
- Cash Balance Report through October, 2006
- Acceptance of Bill of Sale for Sewer Line and Bill of Sale for Water Line from South Lyon Community Schools
- Building Department Report for October, 2006
- Sheriff Department Report for October, 2006
- Fire Department Report for October, 2006
- Zoning Report for October, 2006
- Engineer Status Report for October, 2006
- Earth Tech Report for September and October, 2006

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

Mr. Young asked if there were any comments or questions. Ms. Carcone requested that the approval of the 2007 Schedule of Meetings and Holidays be removed for discussion.

Ms. Johnson amended her motion to indicate the removal of the Approval of the 2007 Schedule of Meetings and Holidays. Mr. Hicks supported the amendment.

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

Motion approved.

5. ANNOUNCEMENTS AND COMMUNICATIONS

Ms. Carcone stated that the Winter 2006 tax bills have been mailed.

6. CALL TO THE PUBLIC

Jeff Potter, Oakland County Commissioner, thanked the Board and the residents for their support during the last election.

7. APPROVAL OF AGENDA

The following issues were added to the agenda:

- Park update (added under New Business)
- Speed Limit Resolution Discussion (added under New Business)

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

Voice Vote: Ayes: All
 Nays: None

Motion approved.

8. UNFINISHED BUSINESS

a. Public Hearing on PY 2003 and 2004 CDBG Funds

Ms. Aniol reviewed the comments indicated in the McKenna Associates, Inc. letter dated November 16, 2006 regarding this issue.

Mr. Young opened the public hearing at 7:13 PM. There were no comments. He closed the public hearing at 7:14 PM.

b. Resolution Reprogramming PY2003 and 2004 CDBG Funds

Mr. Hemker moved to adopt the Resolution reprogramming the 2003 and 2004 CDBG Grant Allocation, for 2003 - \$4,437 and for 2004 - \$9,023 and to reprogram both to the Oakland County Home Improvement Program. Mr. Hicks supported the motion.

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

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

Motion approved.

c. Presentation Pat Hall, representing the Richard B. Hall Pancreatic Cancer Foundation -

Recognition of Non-Profit Status

Pat Hall gave a brief presentation of the foundation. She stated that they have established four annual events that they hold every year, one of which is a Texas Hold'em Tournament. In order to get a charitable gaming license from the State of Michigan, the foundation needs to be recognized as a non-profit organization operating in the community.

Mr. Hicks moved to adopt a resolution recognizing the Richard B. Hall Pancreatic Cancer Foundation as a duly recognized charitable organization, as per the letter from the Internal Revenue Service dated October 11, 2005. Mr. Cash supported the motion.

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

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

Motion approved.

d. Special Assessment Resolution #2 - Roll

Ms. Carcone stated that this resolution is for people that are delinquent in their sewer billings. She stated that if someone is delinquent more than 90 days, this would allow the Treasurer's Department to roll the delinquent amount onto the tax bills.

Ms. Carcone moved to approve the delinquent sewer users charges as submitted by the Supervisor. Mr. Cash supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Ms. Carcone moved to approve the Charter Township of Lyon Special Assessment Resolution #2 Roll for delinquent sewer charges. Mr. Hicks supported the motion.

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

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

Motion approved.

e. Second Reading and Proposed Adoption of Amendments to the Sign Ordinance – Model Open Flags and Construction Sign; Real Estate Development Signage

Mr. Seymour explained that this is the second reading of the ordinance to amend the sign ordinance to allow model flags and construction signs for a certain period of time. He stated that this is in the same form as the first reading and ready for second reading and subsequent adoption.

Mr. Hicks moved to adopt the resolution as the second reading for the temporary signs amendment to the sign ordinance, Article 16.05. Ms. Carcone supported the motion.

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

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

Motion approved.

f. Appointment of Board Trustee to Fill Vacancy

Mr. Young indicated that they need to fill the position that was recently vacated by Troy Schilling.

Ms. Carcone moved to appoint Chriss Roberts to fill Troy Schilling's vacancy beginning tomorrow after he swears in with the Clerk's office, for a term that ends November, 2008. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments regarding the motion.

John Bell, 23113 Currie Road, felt that the Board made an excellent suggestion in establishing Chriss Roberts as their candidate to fill this vacancy. He noted that Mr. Roberts has been on the Library Board for some time now and he is very articulate, effective and efficient. He felt that Mr. Roberts would be an asset to the Board.

Troy Schilling, 57780 Twelve Mile Road, felt that the Board has made an excellent choice with Chriss Roberts.

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

Motion approved unanimously.

Mr. Bell noted that Mr. Roberts is currently on the Library Board. He questioned if Mr. Roberts could hold both positions, or would he have to relinquish his position on the Library Board. Mr. Seymour responded that he will do some research, but his initial thought is that Mr. Roberts cannot serve on both Boards.

g. Resolution of Denial for Liquor License Request on Pontiac Trail Property

Mr. Olson explained this proposal. He noted the differences between this resolution and the one that was presented at last month's meeting. He noted that this is not compatible with the Township's Master Plan.

Mr. Hicks moved to modify the resolution regarding SDD application to include all classifications of liquor licenses per the application by Thamir A. Hermiz. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

h. Proposal for Laptop Computer

Mr. Hicks explained that last month the Board approved an amount not to exceed \$2,500 for the purchase of a projector and stand. He stated that they purchased the projector for considerably less than this and with respect to a stand, they can use the stand that the Township already has. He asked the Board to allow them, under the not to exceed, to purchase a lap top computer that would be dedicated to the projector. He stated that they do have a need for this and asked the board to reallocate the unused funds.

Ms. Carcone moved to amend the motion to approve \$2,500 for a projector so that it includes the purchase of a computer. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments or questions. Mr. Hemker questioned why they need the computer. Mr. Hicks responded that there are many programs available that they could use with the projector and make available to the citizens, i.e., educational dvd's that the Township could utilize at "no charge".

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

Motion approved.

9. NEW BUSINESS

a. AP-06-41, Carriage Creek Planned Development – Conceptual Planned Development Review

Ms. Aniol reviewed the comments indicated in the McKenna Associates, Inc. letter dated November 8, 2006 regarding this issue.

Jon Hutto gave a brief presentation of the 438 housing units proposed on Griswold Road between Eight and Nine Mile Roads.

The Board provided Mr. Hutto with their comments and concerns of the proposed development. There was no formal action taken.

b. AP-05-47 Pulte Land Development – Proposed Amendments to the Pinehurst Planned Development, Amendment to the Condominium Subdivision Plan and Master Deed for Pinehurst Acres.

Ms. Aniol reviewed the comments indicated in the McKenna Associates, Inc. letter dated October 30, 2006 regarding this issue.

Mr. Hicks moved to approve the amendments to the Pinehurst Planned Development, amendments to the condominium subdivision plan and master deed with the conditions cited in the October 30, 2006 McKenna Associates, Inc. letter. Mr. Cash supported the motion.

Mr. Young asked if there were any comments or questions regarding the motion. Ms. Carcone questioned what the original plan was. Kevin Christianson, Pulte Homes, explained that a couple lots shifted to the left.

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

Motion approved.

c. Text Amendment to footnote (f), Schedule of Regulations, of the Zoning Ordinance regarding Wetland Setbacks – First Reading

Ms. Aniol reviewed the comments indicated in the McKenna Associates, Inc. letter dated November 20, 2006 regarding this issue.

There was general discussion regarding this issue by the Board members and the public.

Mr. Hemker moved to approve the first reading of the text amendment to footnote (f), Schedule of Regulations, of the Zoning Ordinance regarding wetland setbacks. Ms. Johnson supported the motion.

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

Motion approved.

d. Sanitary Sewer Master Plan Update

e. Wastewater Treatment Plant Expansion Study

Mr. Crandell gave a brief presentation of item d and item e together. There was no formal action taken by the Board.

f. Southwest Sewer SAD – Phase II – Contract Award

Mr. Crandell reviewed the comments indicated in the Giffels-Webster Engineers letter dated November 18, 2006 with regard to the contract award.

Mr. Cash moved to approve the low bid of \$1,659,440.30 and award the contract to Sunset Excavating. Ms. Johnson supported the motion.

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

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

Motion approved.

g. Appointments to the Board of Review – 2 Year Terms

Mr. Young moved to re-appoint Dean Jensen to the Board of Review with a term ending December 31, 2008. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motioned approved.

Mr. Young moved to re-appoint Jim Hamilton to the Board of Review with a term ending December 31, 2008. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motioned approved.

Mr. Young moved to re-appoint Abe Ayoub to the Board of Review with a term ending December 31, 2008. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motioned approved.

h. Appointment to Fill Planning Commission Vacancy

Mr. Young moved to appoint Carl Towne to fill the vacancy of Ted Soper on the Planning Commission with a term ending November 30, 2008. Ms. Johnson supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

j. Speed Limit Resolution Discussion

Mr. Hemker stated that he would like the Board to show their support for not only maintaining lower speed limits on the gravel roads but also to have local input as to what those speed limits should be. After further brief discussion, the Board determined that Mr. Olson would draft a resolution for this issue.

k. Park Update

Mr. Hicks updated the Board on the quote the Park Committee received from McKenna Associates, Inc. for the update of their master plan. He stated that the Park Committee recommended approval of this and reported because of the time limit for the Park to receive grant money next year, this issue will be on the January agenda for action.

i. Budget Amendments to the 2006 FY Budget

Mr. Olson reviewed the amendments to the 2006 budget.

Ms. Carcone moved to approve the budget amendments for the year 2006 as submitted by the Township Superintendent for all funds. Mr. Hicks supported the motion.

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

10. MISCELLANEOUS NONE

11. ITEMS REMOVED FROM CONSENT AGENDA FOR ACTION OR DISCUSSION

- 2007 Schedule of Meetings and Holidays

Ms. Carcone stated that they would like to have an additional holiday added to the schedule, Columbus Day. She stated that there are a lot of offices that are closed on Columbus Day.

Ms. Carcone moved to add Columbus Day, Monday, October 8th, to the holiday schedule for 2007. Ms. Johnson supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

12. EXECUTIVE SESSION REGARDING PENDING LITIGATION/PROPERTY ACQUISITION

Mr. Hemker moved to recess the regular meeting and go into an Executive Session regarding pending litigation/property acquisition. Mr. Young supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.
The regular meeting recessed at 9:45 PM.

13. ADJOURNMENT

The meeting was adjourned at 9:56 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary

Pamela Johnson
Clerk