

**CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES
MEETING MINUTES
February 5, 2007**

Approved as submitted March 5, 2007.

DATE: February 5, 2007
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
Chriss Roberts, Trustee

Also Present: Matthew Quinn, Township Attorney
Chris Olson, Township Superintendent
Chris Doozan, Township Planner
Loren Crandell, Township Engineer
Al Hogan, Building Official

Guests: 31

4. **APPROVAL OF THE CONSENT AGENDA**

- Approval of Regular Meeting Minutes of January 8, 2007
- Approval of Disbursements
- Revenue/Expense Report through December, 2006
- Cash Balance Report through December, 2006
- Building Department Report for December, 2006
- Sheriff Department Report for December, 2006
- Fire Department Report for December, 2006 and Annual Report
- Zoning Report for December, 2006
- Engineer Status Report for December, 2006
- Earth Tech Report for December, 2006
- Cowtown Cruisers Annual Swap Meeting in Atchison Park – June 24
- South Lyon Amateur Radio Club Annual Meet in Atchison Park – June 22, 23, 24, 2007

Mr. Roberts requested that the Earth Tech Report for December, 2006 be removed for discussion at the end of the meeting.

Mr. Hemker requested that the following items be removed because there was no information regarding them in the packets:

- Cowtown Cruisers Annual Swap Meeting in Atchison Park – June 24

- South Lyon Amateur Radio Club Annual Meet in Atchison Park – June 22, 23, 24, 2007

Ms. Johnson moved to approve the consent agenda as modified, with the removal of the three items discussed. Mr. Hicks supported the motion.

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

Motion approved.

5. ANNOUNCEMENTS AND COMMUNICATIONS

Jeff Potter, Oakland County Commissioner, updated the Board on what is happening in the County.

Mr. Young presented service awards to the following:

- Troy Schilling, former Trustee
- Ted Soper, former Planning Commissioner
- Jim Dome, former Planning Commissioner
- Dan Cash, former Firefighter for 24 of years of dedicated service

Mr. Young also had an award for Laura Williams, former Planning Commissioner, which he presented to her later in the meeting.

Mr. Hicks stated that once again the website designer has missed the deadline. He indicated that he has tried to contact the designer on several occasions unsuccessfully, but will keep trying.

6. CALL TO THE PUBLIC

Lise Blades, 29884 Glynn Lee, stated that the sledding hill is now up and running. She noted that there was an article in the South Lyon Herald regarding this. She thanked John Dolan, South Lyon Fence, for donating the fencing and posts.

7. APPROVAL OF AGENDA

The changes were made to the agenda:

- Item 9j, Superintendent Olson – Update on Earth Tech, Wastewater Treatment Plant (this issue was moved to the beginning of unfinished business)
- Item 8d, Funding approval for the Park Master Plan Update (this issue was removed from the agenda)
- Special Meeting request (added at the end of New Business)
- Bob Saks Agreement – Engineering Design Services (added at the end of New Business)

Mr. Hicks moved to approve the agenda for Monday, February 5, 2007 as amended. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

8. UNFINISHED BUSINESS

Superintendent Olson – Update on Earth Tech – Wastewater Treatment Plant

Mr. Olson stated that at the last meeting they briefly discussed the upcoming contract for Earth Tech. He stated that before the Board this evening is a sixty day agreement both for the sewer collection system, Amendment III, and Amendment IV. He stated that Earth Tech has analyzed a few things with the sewer treatment plant, some instrumentation items as well as some other operational items that they would like the Board to approve. He stated that he has asked Giffels-Webster to review this also. He briefly further reviewed this information and noted that he is not ready to bring all of this to the Board at this time because of the ongoing discussions on the extent of the improvements in conjunction with the Earth Tech operating contract.

Mr. Olson stated that what they are looking to do is bring forward a list of things that need to be done along with a short term and a long term impact and plan as to how these things are going to help the plant operate in better compliance of the permit. He stated that in terms of the operational agreement, Amendment III and Amendment IV for the wastewater treatment plant and the wastewater collection system agreements that the Township has had for the past five years with Earth Tech, these are sixty day extension contracts to discuss the issues. He stated that the rate for the treatment plan would be \$35,600 per month and the rate for the collection system would be \$12,604 per month. He noted that these are substantial increase over what they are paying now.

Mr. Olson recommended that the Board approve these amendments at this point in time and work toward getting the other plans in front of the Board. He noted that they need a little more time to present a consolidated plan to the Board.

Ms. Carcone stated that she would like to bid this service out. She noted that other companies have contacted her about servicing the sewer treatment plant and water system. She stated that she does not want to be held hostage by any company.

Mr. Hicks questioned when the contract expires. Mr. Olson responded February 18, 2007.

Mr. Crandell briefly reviewed a proposal that they received today with regard to expansion of the plant. Mr. Olson noted that the proposal is not complete.

Dave Dupuis, Senior Business Manger for Earth Tech, discussed the proposal from Aquarobics that was submitted. He stated that they are probably looking at about \$10,000 to \$15,000 for the conduit and installation of the items, which would bring the total to around \$80,000.

Mr. Dupuis stated that he appreciates that the Township wants to get the best value for their customers, and would welcome the opportunity for the Township to go out for bid. He stated that he would like to retract Earth Tech's proposal in fairness to see what the RFP states. He stated that they delivered a price to the Township based on their scope of what they anticipate. He felt that it would not be fair to Earth Tech to keep their price concrete and available to the public for it to be nickel and dimed. He stated that they have had the pleasure of running the plant for the past five years and know what the costs are. He requested that if the Board does go out for bid, that they compare apples to apples and give them an opportunity to bid equally with the other bidders.

Mr. Dupuis felt that it would be a good decision of the Board to extend the contract for sixty days. He stated that if the Board is uncomfortable with the sixty days, they could extend it again for another sixty days in order to have the time to get through the process.

Mr. Dupuis briefly discussed a letter that Earth Tech submitted to the Township on February 3, 2007 regarding the updates and proposal from Aquarobics. He stated that they are not going to ask the Board to install anything that the facility does not need.

Ms. Carcone moved to enter into a contract, Amendment III, Operations and Maintenance Agreement for Wastewater Collection System with Earth Tech for sixty days. Mr. Roberts supported the motion.

Mr. Young asked if there were any comments or questions. Mr. Hicks stated that whatever they come up with within the sixty days, he hoped that they would have more than ten minutes to read it.

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

Motion approved.

Ms. Carcone moved to enter into a contract with Earth Tech regarding Amendment IV, Operations and Maintenance Agreement for Wastewater Treatment Facilities for sixty days. Mr. Roberts supported the motion.

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

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

Motion approved.

a. Proposed Third Amended Consent Judgment for Mill River, West side of Milford Road, north of Twelve Mile Road – Recommendation from Subcommittee

Mr. Doozan summarized the comments indicated in the McKenna Associates, Inc. letter dated December 18, 2006 regarding this issue, which was reviewed completely at the last meeting.

Ms. Carcone reported to the Board the discussions and recommendations of the subcommittee. She stated that they went over the four issues cited in the December 18, 2006 McKenna letter:

Signs	Landscaping	Extension to 12 Mile	Multi-Family
Didn't have an issue with this other than the corrections noted by Mr. Doozan. Recommend this be allowed.	Additional 400' will be landscaped in front of the Library property. It does not have to be put in now because Township has no way to care for it. Mutual language will have to be worked out.	Didn't have a problem with the removal of the extension.	Didn't have a problem with this. Felt that it would be a benefit.

Mr. Quinn stated that there are two ways of handling this:

1. Motion, that in concept, outlines the approval of these four items subject to the documentation being approved by the staff and consultants.
2. Based upon the discussion, table everything until next meeting and have the developer submit a total and final package to the Board for consideration with the language and exhibits on all four issues.

Ms. Carcone moved to approve Mill River proposed third amendment to the consent judgment with the Township Attorney, Township Planner, Township Superintendent, Township Engineer and subcommittee see the final document with the recommendations of the subcommittee included, to allow the following items:

1. Signs: Six freestanding signs that are proposed along Milford Road with the corrections

that are subject McKenna Associates, Inc. letter dated January 19, 2007 and the sign specifications.

2. Landscaping: To be worked out where Mill River provides the additional 400' of landscaping that is the same as what exists now with the time table worked out between the two parties, which would be sometime in the future.
3. Removal of the extension to Twelve Mile: Allow a single lot, one acre parcel, along the southern edge of the property.
4. Modifications to the Multi-Family: Allow as proposed in the McKenna Associates, Inc. letter. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments or questions. Mr. Hemker stated that he has a general problem with the consent judgment amendments. He stated that this is something that the developer took the Township to court on and the prior Board settled. He stated that this is the third time that the developer has come back to ask for more stuff. He felt that the signs should have been taken care of in the beginning. The landscaping that was put in was over \$700,000 less than what should have been put in originally. He stated that he does not agree with the removal of the extension to Twelve Mile and not making up the open space. He stated that with regard to the multi-family twelveplexes, if they want garages that is great, but keep the building size the same. He noted that they are talking about more footprint and more building size and the Township is not getting anything in exchange. He felt that they should reduce the number of units and keep the same footprint.

Ms. Johnson echoed Mr. Hemker's comments. She stated that she feels that this could be the consent judgment that doesn't end, which so far seems to be the case.

Mr. Hicks stated that he understands what Mr. Hemker is saying and its not that he disagrees, but there is a practical side to this. He stated that they have to be able to market their product.

Mr. Young stated that with regard to the twelveplexes, if there is a way for them to market the product, which will bring a higher SEV to the Township, it is an advantage to the Township. He stated that with regard to the landscaping, it is aesthetically pleasing even though it is not what was originally agreed upon.

Mr. Olson stated that with regard to the maintenance of the landscape, this is something that was never part of anything that the Township was obligated to.

Ms. Carcone explained the process that they went through with the last Board and this law suit. She stated that this lawsuit could have possibly financially broken the Township. The prior Board negotiated in good faith with the developer. She stated that she is not saying that they are happy with what they got, but happy that the Township did not go into financial ruins for this lawsuit. She stated that times have changed and therefore, have brought amendments to this. She noted that sometimes they have to compromise and that times are not that good right now.

Mr. Young asked if there were any public comments. Troy Schilling, 57780 Twelve Mile Road, stated that Mr. Olson made a good comment in regards to the maintenance of the landscaping. He asked the Board to amend their motion to include the maintenance, since they don't have any documentation in front of them at this point.

Dave Pawlaczyk, Mocerri Company, stated that the landscaping is not going to be put in until the Township builds the Library. At that time the landscaping will be installed and irrigated from the Library.

Mr. Cash discussed the Senior Center that is proposed. He stated that it is possibly going to go in next year sometime, therefore, leaving two sections that don't have any landscaping.

Earl LaFave stated that the Senior Center does not have frontage on Milford Road and is back in the development. He stated that the landscaping that has been installed was agreed upon at the committee meeting that they would maintain it even though it is more than what they were supposed to install. He noted that they were only to install landscaping 100' north of the entrance. He stated that they are maintaining it at their expense and are not asking the Township for help with this. He further discussed this issue.

Mr. Pawlaczyk stated that with regard to the removal of the extension to Twelve Mile, at the subcommittee meeting they stated that they would retain the open space. It is just the roadway that will not be constructed.

Ms. Carcone amended her motion to include that the section of land to be used for the extension to Twelve Mile Road, will be maintained as open space. Mr. Hicks supported the amendment.

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

Motion approved.

b. Mill River Reciprocal Easement & Road Easement Maintenance Agreement

Mr. Olson briefly discussed some of the costs for this based on an estimate prepared in 2005. He stated that the Township does not know what the cost of the road will be.

Mr. Young stated that there are several open items in this and that because of this, he cannot support this until the items are clarified.

Mr. Hemker felt that the Township should not have any part of constructing the road. He stated that with this piece of property, they could put a driveway out to Milford Road and never have to attach to the road.

Mr. Olson questioned if there are soil borings or any other documentation of the conditions where the roadway is to be constructed. Mr. LaFave responded that there are.

Mr. LaFave stated that the consent judgment is really clear in stating that the road will be paid for by three parties. He stated that this is what was agreed upon and what was approved by the court. The percentages were determined and negotiated very hard for on the Township side. He stated that the Township is paying a much less percentage than what they were obligated to. He stated that everything that is in the agreement speaks to the exact percentages, with fair and reasonable customary costs and are subject to the Township Engineer's review.

Mr. Young stated that on his part there is some controversy and some misunderstanding regarding the entire road easement. He stated that the sign issue is pretty clear. He stated that he has not been told that there is an urgency for the road maintenance agreement, only an urgency for the sign issue.

Mr. LaFave stated that there is not an urgency. He stated that he was a little taken back by the misunderstandings with the second amended consent judgment. He stated that the reason for the reciprocal agreements or the negotiations was that they gave the Township 13 acres of land at no cost. He stated that in return for this, the second amended consent judgment deals with all of the issues that they have just discussed within the past few minutes. He stated that his opinion that the best place to have the consent judgment analyzed is from the legal department to determine if the reciprocal agreement complies with the consent judgment. He stated that there is nothing in there that is not part of the original consent judgment for the first amended judgment.

Mr. LaFave stated that this road is being paid for 100% by the developers and at no time is the Township obligated to pay for this road until they elect to do something with their property. He stated that they are incurring all of the cost. He stated that they are not asking the Township to pay anything at this time, only when the Township decides to develop their 13 acres then the Township will pay their 37%.

Mr. LaFave stated that he felt that he was doing the Township a favor by capping the management fee at 10% rather than leaving it open ended. He stated that if the 10% is an issue, they can negotiate this further.

Mr. Quinn stated that his letter dated January 19, 2007 is pretty self-explanatory in comparing the consent judgment to the road easement agreement. He stated that it is true that the Township is committed to 37%. He briefly reviewed some of the comments indicated in his letter.

Mr. Crandell asked that Mr. LaFave put together a lump sum cost for the construction of the road so that he can review it. Mr. LaFave indicated that he would do this.

Mr. Hicks moved to approve the sign portion only of the Mill River Reciprocal Easement, based on meeting the conditions cited in the McKenna Associates, Inc. letter dated January 19, 2007. Ms. Carcone supported the motion.

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

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

Motion approved.

Ms. Johnson moved to table the Road Easement Maintenance Agreement excluding the sign issue, which was just approved, and that the documents are available for review prior to the March 5th Board meeting. Mr. Hicks supported the motion.

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

Voice Vote: Ayes: All
 Nays: None

Motion approved.

It was noted that Laura Williams was now present, so Mr. Young presented a certificate of recognition to her for her service on the Planning Commission.

c. Appointment of DDA Representative and Alternate to the Zoning Board of Appeals

Mr. Hicks moved to table the appointment of a DDA Representative and an Alternate to the Zoning Board of Appeals. Ms. Johnson supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

d. Funding Approval for the Park Master Plan Update

This issue was removed from the agenda.

e. Road Commission Matters; Selection of Projects for Tri-Party Funding; Set Strategic Planning Meeting with RCOC Board and Staff

Mr. Olson reviewed the information in the memo from him to the Township Board and the Road Committee dated January 31, 2007.

Mr. Olson discussed the possibility of a special meeting with the Road Commission for their bi-annual strategic planning. Several Trustees indicated that they would like to attend. Mr. Quinn recommended that this be posted as study session because there is not going to be any decisions made. There was brief discussion as to which of the three dates are the best. Mr. Olson will set this up and report back to the Board.

Mr. Hicks moved to authorize the Township Superintendent to go ahead and get these projects in motion. Ms. Carcone supported the motion.

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

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

Motion approved.

f. First Reading of Proposed Ordinance Regarding Sledding in Atchison Park

Mr. Quinn explained that this ordinance was requested by the Park Committee and the Township's insurance representative so that there would be rules in place for sledding within within the authorized Township park areas. He stated that this is the first reading and noted that there is a typographical error in item g that will be corrected before it comes back for the second reading.

Mr. Hicks noted that item g and m are identical. Mr. Roberts stated that he would like the word "glass" inserted in front of containers.

Mr. Hicks moved to adopt the resolution for the first reading of the sledding ordinance in Section 30-62 to establish rules and areas within Township property where sledding shall be lawfully allowed. Ms. Carcone supported the motion.

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

Motion approved.

Shirley Baker, Stancrest, questioned who is going to enforce the rules. Mr. Hicks responded that this area will be inspected daily. It was noted that this indicates that it is "at your own risk" and there are signs posted indicting this. Mr. Quinn stated that the Ordinance Officer can issue tickets if observing people violating the rules.

9. NEW BUSINESS

a. AP 06-36, Dimoski Rezoning Request, 60475 Nine Mile Road, from R-1.0, Residential Agricultural, to R-0.5, Single Family Residential – First Reading

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated December 11, 2006 regarding this issue.

Mr. Hicks moved to approve the rezoning of the Dimoski parcel, AP 06-36, at 60475 Nine Mile Road from R-1.0 to R-0.5 with the understanding that this does not in any way negate the obligations to comply with all the ordinances. Ms. Carcone supported the motion.

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

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

Motion approved.

b. First Commercial – Lyon Copperwood 3rd Amendment to Planned Development

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated January 30, 2007 regarding this issue.

Bill Watch, President, First Commercial Realty, gave a presentation of their proposal for the commercial area at the Copperwood development located at Ten Mile and Johns Roads. It was noted that a Chase Bank, Rite-Aid and Hiller's Market will be located in this area.

Jim Eppink, Landscape Architect, discussed the landscaping especially the decrease in the buffer along Ten Mile Road.

Mr. Roberts stated that the Planning Commission made a recommendation that the buffer be increased to 50' as it was originally proposed. He questioned why this has not been done. Mr. Watch responded that they are not able to do this and make the project work. Mr. Eppink stated that they not only used the existing landscaping but added to it to create distracted views into the site along Ten Mile Road. He felt that by doing this it will have the shielded effect that the Board and Planning Commission are looking for.

Mr. Cash stated that his concern was with the buffer area. He questioned if the developer feels confident that the parking lot will be screened from Ten Mile Road. Mr. Eppink responded that they have screened the area very well and do feel confident that the parking lot will not be seen.

Mr. Roberts stated that the developer can say that a Hiller's is going in here, but it could end up being a Kroger. Mr. Watch stated that they did bring Mr. Hiller to the Planning Commission, but unfortunately, he could not make this meeting.

Mr. Hemker stated that he was involved with this plan as a Planning Commissioner. He noted that they spent countless hours negotiating the entire parcel, with residential and commercial. He stated that the final selling point for the Planning Commission was the buffer in front of the commercial portion. He stated that he doesn't like the idea that the buffer has shrunk down to only 25'.

Mr. Watch stated that they took the original plan and talked to several prospects, but couldn't get anybody to commit because of the configuration of the parcel. He stated that this was the main reason for the change in the plan. He noted that they took the concept of the original plan and moved it around to make it work.

Mr. Eppink explained that their goal for this development was to not hide the buildings, but to hide the cars in the parking lot. He believed that with the 3' berm with evergreens and shrubs on top of it, that when sitting in a car on Ten Mile Road, you will not be able to see the cars in the parking lot.

Ms. Carcone stated that she loves the Hiller's design with the archways. She stated that she does

not like the Rite-Aid, it is ugly. She questioned what could be done to improve the looks of it. Mr. Watch stated that since the first time they presented this plan to the Planning Commission, he has gone back and worked with the architects for Rite-Aid to improve the look of the building.

Ms. Carcone stated that they were promised a 50' buffer along Ten Mile Road and that she would like the developer to comply with that.

Mr. Roberts stated that he would love to see a Hiller's here. He questioned what the original plan called for in regards to acreage for the commercial. Mr. Hemker responded that it was 10 acres for the sprint building and 10 acres for this area for a total of 20 acres. Mr. Roberts stated that he does understand that with marketing, the developer has to build what the clients want and need. He stated that he is having a real hard time with the 25' buffer, it is not big enough and would like to see it widened. He stated that he is going to have a hard time approving this with not knowing what the landscape area is going to look like.

Mr. Young stated that he looked at this to determine what things are important to him and what things are not so important. He concurred with Ms. Carcone regarding the architecture of the buildings. He stated that he likes higher pitch roofs on the buildings. He stated that driving down Ten Mile Road it is very important to him not to see parking. He stated that the berm was properly landscaped, it would be hard to tell if it was 25' or 50'. He stated that if he had to criticize this plan, it would be the architecture of the Rite-Aid. He stated that under the circumstances he is could support everything else but the architecture of the Rite-Aid.

Mr. Quinn noted that the Board is approving a concept plan that is part of the planned development agreement, it is not a site plan. He stated that the main points of the concept plan are the number of parking spaces provided for the square footage of commercial and the configuration of the roads, buildings, layout and the greenbelt. He stated that the Board cannot just give approval for the grocery store.

Mr. Young questioned that if this were approved as a planned development and the developer were to come in with something different for site plan approval, it would be legitimate if they did not approve it at that time. Mr. Quinn responded that this is correct.

Mr. Hicks concurred with Mr. Young's comments. He stated that he did not think that the buffer is necessarily an issue. He stated that with what is proposed, in all probability, the parking lot would not be visible. He stated that to him it is all about Hiller's and that he could compromise for this. He stated that he is looking at this as a viable tax base that is not in the DDA and the potential of about 125 jobs brought to the community. He noted that the Planning Commission was told that this store would be slightly larger than the largest Hiller's in the area. He stated that he does not particularly care for the architecture of the Rite-Aid either.

Mr. Hemker stated that he does not believe that Hiller's cost them the buffer, it is the direct result of the Rite-Aid and the bank, these are the two buildings that need the access all the way around for their drive-through.

Mr. Young questioned how sure is a Hiller's market at this location. Mr. Watch responded that they do have signed purchase agreements subject to the approval of this plan. He stated that he has dealt with Hiller's in the past and does feel confident that Hiller's will be built in this location.

Ms. Carcone stated that she doesn't understand why Mr. Hiller did not come to this meeting since the Board is the decision makers. Mr. Watch stated that he told Mr. Hiller about the meeting but was informed that he could not make it tonight.

Mr. Young questioned if the development would go forward if one of the parties were to pull out. Mr. Watch responded that if any piece of this falls apart, the development would not go

forward. He stated that they don't spend a lot of time focusing on what is not going to happen, they focus on what is going to happen. He noted that they have a 97% totally engineered plan at this time.

After further discussion, it was determined that the two main issues with this plan were the 25' buffer along Ten Mile Road and the architecture of the Rite-Aid. Mr. Watch stated that he would go back to the Rite-Aid architects and work with them to improve the look by possibly adding gables to match the roof style of the Hiller's and the bank.

Jim Chuck, 25365 Stanley Drive, stated that he has been listening to the conversation regarding the Rite-Aid and felt that the answer is absolutely "Yes". He stated that Rite-Aid does have four or five designs, but if they want business bad enough, they will put whatever the Township wants in order to get this site. He questioned if Rite-Aid has seen the Hiller's design. Mr. Watch responded that they have. Mr. Chuck stated that the Rite-Aid will be very focal on the this corner. He stated that he likes the idea that First Commercial is not only the developer, but the owners and will stay in the Township and not just build and move on.

Ms. Carcone stated that she would like to see the redesign of the Rite-Aid building and something that shows what the landscaping would look like along Ten Mile Road.

Mr. Hicks moved to approve AP 06-48, Copperwood Planned Development Amendment #3, subject to the approval of the Rite-Aid store façade and conditions cited in the Planner letter dated January 30, 2007. Mr. Cash supported the motion.

Mr. Young asked if there were any comments or questions. Mr. Young stated that it is his understanding with the motion made that it is subject to architecturally acceptable façade on the Rite-Aid that it would be an approved planned development and would then go onto site plan approval. Mr. Quinn stated that the façade would have to come back to the Board for approval. Mr. Young asked if Mr. Hicks would be willing to amend his motion to include a rendering of the landscaping.

Mr. Hicks amended his motion to include that it is subject to the applicant providing a rendering of the landscaping. Mr. Cash supported the amendment to the motion.

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

Motion approved.

c. First Reading of Proposed Amendment to the Town Center Overlay District to Permit Automobile Repair Garages

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated January 26, 2007 regarding this issue.

Mr. Quinn stated that if the Board is considering this ordinance amendment positively, in "e, Overhead doors shall not face residential districts or uses." it should also be continued to say that overhead doors shall not face any public or private roadway. Mr. Doozan noted that this would not work for this particular parcel. Mr. Quinn responded that they don't adopt ordinances for a particular piece of property, ordinances are adopted for general.

Mr. Hicks stated that this is hard for him, because he hates to see this in an overlay district, but on the other hand a vacant, abandoned building will be rejuvenated.

Mr. Young stated that as much as he want to see some of the old buildings used, this type of use

in the downtown area is incompatible.

Mr. Cash stated that he hates to change the ordinances for a single use or piece of property. He stated that they have a Master Plan and that they have a vision for the downtown area.

Henry Holdenberg, 30590 South Hill Road, stated that he has lived in the Township for 27 years and had his own shop in Redford Township for 25 years. He stated that this parcel falls in the southeast corner of the overlay district. There are two buildings on the parcel, the one on the back would be used for the collision shop. He stated that he has talked with some residents, one who has lived in the Township for six years, who indicated that he never noticed there was a building there.

Ms. Johnson noted that there are three or four homes to the west of this site. She stated that they have complained about the usage in some of these buildings in the past. She stated that this proposal will probably not have late hours, but for the protection of the existing residents, reasonable hours would have to be held there. Mr. Holdenberg stated that the hours would probably be 8:00 AM to 5:00 PM.

Mr. Young questioned out of curiosity, if the economy turns around, what would the intentions for this parcel be. Mr. Holdenberg responded that he would like to see condominiums or whatever would fit there, but for now he would like to use it as a collision shop.

Mr. Hemker stated that if they amend the town center overlay district that this use could then go somewhere else in the town center as well. He felt that an auto shop does not belong in the downtown area that they are trying so hard to build.

Mr. Hemker moved to reject the first reading of the proposed amendment to the Town Center Overlay District to Permit Automobile Repair Garages. Mr. Cash supported the motion.

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

Voice Vote: Ayes: All
 Nays: None

Motion approved.

d. AP 06-46, Zoning Map Amendment Regarding Boundaries of the Town Center Overlay District.

Ms. Johnson moved to table AP 06-46, Zoning Map Amendment Regarding Boundaries of the Town Center Overlay District for one month. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

e. Resolution Setting Hearing Date on Special Assessment Roll for Six Points Storm Sewer Improvement Special Assessment District

Mr. Quinn explained that this resolution setting the hearing date for the special assessment roll for the six points storm sewer district. He stated that all the property owners share within this district is being covered by the DDA. If the DDA should cease to exist, the Township needs to have in place the powers to assess these individuals.

Mr. Cash moved to adopt the resolution setting the hearing date on the special assessment roll for the Six Points Storm Sewer Improvement Special Assessment District. Mr. Hicks supported the motion.

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

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

Motion approved.

f. Resolution to Approve Library Millage Ballot Language

John Bell, Library Board, stated that they have been out promoting this and have gotten about 700 signatures on a petition. He noted that they would like to get more than that. He submitted the signatures that they have received so far to the Board.

Mr. Bell stated that the Library Board has passed this resolution at their last meeting and are now asking the Township Board to pass the resolution.

Mr. Hicks moved to approved the Resolution to Approve the Library Millage Ballot Language based on the need and the fact that they have a significant number of citizen signatures in favor of this. Mr. Roberts supported the motion.

Mr. Young asked if there were any comments or questions. Mr. Hemker noted that he does not have an Exhibit A. Mr. Quinn stated that it was attached when it was submitted to the Township.

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

Motion approved.

Ms. Johnson stated that Mr. Bell asked if he could place this material in the Township Hall. Mr. Quinn stated that he would check on this and get back to Ms. Johnson.

g. First Reading of Proposed Text Amendment to Zoning Ordinance for Conformance to Public Act 110 of 2006.

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated January 23, 2007 regarding this issue.

Mr. Hicks moved to approve the first reading of the Proposed Text Amendment to Zoning Ordinance for Conformance to Public Act 110 of 2006. Ms. Carcone supported the motion.

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

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

Motion approved.

h. First Reading of Proposed Text Amendment to the Schedule of Regulations Footnote (ee) Regarding Side Yard Setback Options for Residential Developments.

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated January 8, 2007 regarding this issue.

Ms. Carcone moved to approve the first reading of AP-06-33, Text Amendment to the Schedule of Regulations Footnote (ee) Regarding Side Yard Setback Options for Residential Developments.

Mr. Hicks supported the motion.

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

Voice Vote: Ayes: All
 Nays: None

Motion approved.

i. Request from Terry Sever for Joint Planning Commission/Board subcommittee to Discuss Development Options Regarding 21725 Pontiac Trail

It was noted that a letter was received from Mr. Sever withdrawing his request.

j. Superintendent Olson – Update on Water System with OCDC

Mr. Olson reviewed the information indicated in an e-mail from him to the Board of Trustees dated February 3, 2007 regarding this issue. He noted that OCDC is looking to increase the base rate of \$45.00 per quarter to \$47.50 and increase the excess water usage rate from \$12.00 to \$12.50.

Mr. Quinn questioned if there is an effective date for these increases. Mr. Olson responded that it is to be within the next billing period.

There was brief discussion with regard to going out to bid for this item. Mr. Olson stated that he is working on the RFP. Ms. Carcone asked Mr. Olson how long before the package would be ready to go for bid. Mr. Olson could not provide a definite answer.

Mr. Young moved to approve the recommended rate increases by the OCDC as laid out in Mr. Olson's memo. Ms. Carcone supported the motion.

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

Motion approved.

k. Trustee Hicks – Discussion items: Chamber of Commerce, Grant Money, Capital Needs

Mr. Hicks moved to table these discussion items. Mr. Hemker supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

l. Letter of Map Amendment – FEMA Floodplain Adjustments

Mr. Crandell reviewed the comments indicated in the Giffels-Webster Engineers letter dated January 29, 2007 regarding this issue.

Ms. Carcone moved to authorize Giffels-Webster to proceed with preparations as listed in the Giffels-Webster letter dated January 29, 2007 in the amount of \$6,500.00. Ms. Johnson supported the motion.

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

Nays: None

Motion approved.

m. Special Meeting Request

Ms. Carcone moved to schedule a workshop meeting for the Township Board for February 7, 2007 at 12:30 PM.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

n. Bob Saks Agreement – Engineering Design Services

Mr. Quinn explained that there is a proposed agreement for engineering design services for the Bob Saks sewer extension project. He stated that this agreement is between Bob Saks and Giffels-Webster Engineers and Republic West, LLC. He briefly reviewed the information stated in the document. He noted that the Township is nothing more than an escrow agent for this.

Ms. Carcone noted that Chris Olson cannot be an escrow agent, as indicated. Mr. Quinn stated that Mr. Olson is the signer, not the escrow agent.

Ms. Carcone moved to approve the agreement for engineering design services for the Bob Saks sewer extension project. Mr. Hicks supported the motion.

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

Motion approved.

10. ITEMS REMOVED FROM CONSENT AGENDA FOR ACTION OR DISCUSSION

- Earth Tech Report for December, 2006

Mr. Robert question if they are fining people when violations are found regarding grease traps. Mr. Olson responded that if it is done in violation of the Township ordinances, then they would be fined.

Mr. Roberts moved to approve the Earth Tech Report for December, 2006. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

- Cowtown Cruisers Annual Swap Meeting in Atchison Park – June 24

Mr. Hemker stated that he would like to have information on this even though they have been doing this event for the past couple years.

Ms. Carcone moved to approve the Cowtown Cruisers Annual Swap Meeting in Atchison Park on June 24, 2007. Mr. Hicks supported the motion.

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

Motion approved.

- South Lyon Amateur Radio Club Annual Meet in Atchison Park – June 22, 23, 24, 2007

Mr. Hemker stated that he would like to have information on this even though they have been doing this event for the past couple years.

Ms. Carcone moved to approve the South Lyon Amateur Radio Club Annual Meet in Atchison Park – June 22, 23, 24, 2007. Mr. Hicks supported the motion.

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

Motion approved.

11. MISCELLANEOUS

Mr. Young stated that he would like to have salary levels for employee in new position, and new employees put on next month's agenda.

12. EXECUTIVE SESSION REGARDING PENDING LITIGATION/PROPERTY ACQUISITION

Ms. Hicks moved to recess the regular meeting and go into an Executive Session regarding pending litigation/property acquisition. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved.
The regular meeting recessed at 11:20 PM.

13. ADJOURNMENT

Ms. Carcone moved to adjourn the meeting. Mr. Young supported the motion.
The meeting was adjourned at 11:41 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary

Pamela Johnson
Clerk