

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

Approved as submitted April 2, 2007.

DATE: March 5, 2007  
TIME: 7:00 PM  
PLACE: 58000 Grand River

1. **Call to Order:** Supervisor Young called the meeting to order at 7:03 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  
Les Cash, Fire Chief

Guests: 43

4. **APPROVAL OF THE CONSENT AGENDA**

- Approval of Regular Meeting Minutes of February 5, 2007
- Approval of Special Meeting Minutes of February 13<sup>th</sup> and February 14<sup>th</sup>, 2007
- Approval of Disbursements
- Acceptance of Public Utility Dedication and Easement Agreement for Water Improvements at Pinehurst Acres
- Consideration of Public Utility Dedication and Easement Agreement for Sanitary Sewer at Pinehurst Acres
- Acceptance of Public Utility Dedication and Easement Agreement fro Sanitary Sewer at Pinehurst Acres Historic Parcel
- Building Department Report for January, 2007
- Sheriff Department Report for January, 2007
- Fire Department Report for January, 2007
- Zoning Report for January, 2007
- Engineer Status Report for January, 2007

Mr. Hick moved to approve the Consent Agenda as submitted. Ms. Carcone supported the motion.

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

Motion approved.

**5. ANNOUNCEMENTS AND COMMUNICATIONS**

Ms. Carcone indicated that the taxes have now been turned over to the County. Anyone still owing taxes will need to call the Township to get a revised statement that has to be sent to the County along with the tax amount.

Mr. Young reviewed the Board of Review dates and times.

**6. CALL TO THE PUBLIC**

Andrew Capo, 943 Stratford, Lyon Township Firefighter, stated that he speaks for all the Lyon Township Firefighters in saying that they support Chief Cash. He stated that they are all proud to be Lyon Township Firefighters.

**7. APPROVAL OF AGENDA**

The changes were made to the agenda:

- Item 8j, Funding Approval for Park Master Plan Update, was removed.

Ms. Carcone moved to approve the agenda for Monday, March 5, 2007 as with the removal of Item 8j under Old Business. Mr. Cash supported the motion.

Voice Vote:           Ayes: All  
                                  Nays: None

Motion approved.

**8. UNFINISHED BUSINESS**

**a. Amended Resolution Setting Hearing Date on Special Assessment Roll for Six Points Storm Sewer Special Assessment District**

Mr. Quinn explained that this is amended resolution sets the hearing date for the Six Points project for April 2, 2007.

Mr. Hicks moved to approve the amended resolution setting the hearing date of April 2, 2007 for the Special Assessment Roll for the Six Points Storm Sewer Special Assessment District.

Ms. Johnson supported the motion.

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

Motion approved.

**b. Mill River Reciprocal Easement & Road Easement Maintenance Agreement – Tabled from February 5<sup>th</sup> Meeting.**

Mr. Quinn explained that the language, except for paragraph A, is okay. Mr. Crandell noted that the cost estimates differ, but are close. Mr. Olson briefly discussed some of the costs.

Ms. Carcone stated that this is all confusing, especially when she just received some of the paperwork. She stated that it doesn't make sense. She stated that there is nothing in these documents that they asked for. She felt that they should send this back to subcommittee to review all this information and bring it back to the Board.

Ms. Carcone moved to send this back to the subcommittee for a recommendation to be brought back to the Board at the April meeting. Mr. Roberts supported the motion.

Mr. Young asked if there were any comments from the Board. There were none. He then asked if there were any public comments.

Earl LaFave, clarified that there are two documents, one is the reciprocal agreement and the other is the revised consent judgment. He stated that the reciprocal agreement does include the language for the sign, which the Township requested and was presented to the Township in a timely manner. He stated that this is found on page 6, paragraph 7. He noted that there was a corresponding exhibit that was submitted with this. He further discussed the changes that the Township asked for and they have complied with.

Mr. LaFave stated that the costs indicated are not estimates, they are hard costs. He stated that they have discussed this with the Township's Engineer and have informed them that these are hard contracted prices. He stated that there was no discrepancies, there would be not extras or hidden costs. He stated that this is the exact cost to build the project, no less, no more. He stated that they waived the 10% that the Board requested that they waive. He felt that they have complied with everything that the Board asked for and asked what they did not comply with.

Mr. Olson indicated that there were some expenses that were added in that were unexpected, mainly the cost of water and sewer main, internet cable, telephone wire, etc., which were not previously discussed. He stated that there was a request also for a seventh sign that was never part of any prior discussions. He noted that there were some things that were not right in terms of large and small issues. It was also noted that the seventh sign was taken out.

Mr. LaFave stated that the sign conforms to what Mr. Doozan requested with regard to setbacks and there is an attached drawing indicating this. He stated that there is no sewer that goes with this loop road project at all. He stated that there is only the road and the things that deal with road with regard to storm. He stated that the water was brought to their attention and the Engineer's felt that it would be better to connect to the water main and utilities along Milford Road as opposed to the utilities that are installed on the loop road. He stated that once he became aware of this, they did waive these costs and indicated that they are not part of the construction costs.

Mr. Olson stated that part of the problem is that they received these documents late and there really was not enough time for adequate review before the meeting.

Mr. Young questioned who was on the original subcommittee. It was noted that Ms. Carcone, Mr. Roberts, along with Mr. Olson and the Consultants, Mr. Doozan, Mr. Crandell and Mr. Quinn were on the subcommittee. Mr. Young questioned how soon could the subcommittee meet.

Mr. Young reminded the Board that the motion on the table is that this issue be sent back to the subcommittee and bring recommendation back to the Board, possibly at a special meeting. It was noted that the subcommittee could meet Thursday at 11:00 AM.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved.

**c. Third Amendment to the Mill River Consent Judgment**

There were some questions regarding the landscaping portion. Dave Pawlaczyk asked if this issue could also be discussed at the subcommittee meeting.

Ms. Carcone moved to refer this issue to the subcommittee for a recommendation to be brought back to the Board. Mr. Roberts supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved.

**d. Second Reading and Proposed Adoption of Dimoski Rezoning Request, AP 06-36, 60475 Nine Mile Road, from R-1.0, Residential Agricultural, to R-0.5, Single Family Residential.**

Mr. Quinn stated that this is in the same format as the first reading and is in proper form for the Board's consideration this evening for the second reading and adoption.

Mr. Cash moved to approve the second reading and proposed adoption of the Dimoski Rezoning Request, AP 06-36. Mr. Hicks supported the motion.

Mr. Young asked if there were any questions or comments from the Board. There were none. He then asked if there were any public comments.

Carol Paquette, 60608 Russell Lane, questioned how the applicant is going to get into this property. She noted that she owns the property to the west. She stated that there was an easement which the Board approved to be removed. She stated that at the Planning Commission they discussed entry off Donna Drive or off Ms. Paquette's property.

Ms. Paquette noted that she has all the paperwork that the easement has been removed, but it has never been recorded at County level. She noted that Dave Gillam took care of this. Mr. Quinn indicated that he will look into this.

Mr. Doozan indicated that this is just one step of many that Mr. Dimoski has to go through for his proposed project. He stated that one of the requirements is proper access and if Mr. Dimoski can't meet all the requirements, then he may not be able to develop the property.

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

Motion approved.

**e. Copperwood Retail Center, Façade for Rite Aid**

Mr. Doozan stated that there were two issues, the façade for the Rite Aid and the landscaping. He stated that with respect for the Rite Aid façade, the committee had a number of ideas to enhance the look of the building.

Warren Turres, First Commercial, displayed a color rendering of the Rite Aid façade. He stated that they met Friday and discussed the elevation. He felt that the easiest way to do this would be to get with the subcommittee to discuss options and come up with a plan.

Appointed to the subcommittee were Ms. Carcone, Mr. Roberts and Mr. Hicks. Mr. Doozan indicated that he will schedule the subcommittee meeting.

Ms. Carcone moved to table Copperwood Retail Center, Façade for Rite Aid and send it to the subcommittee for a review and recommendation to the Board. Mr. Hicks supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved.

**f. Second Reading and Proposed Adoption of Text Amendment to Zoning Ordinance for Conformance to Public Act 110 of 2006.**

Mr. Quinn stated that this is the second reading and the proposed ordinance is in final form for the Board's consideration.

Mr. Hicks moved to adopt the ordinance amending Article 9, Section 9.01 which will bring the ordinance into conformance with Public Act 110 of 2006. Ms. Johnson supported the motion.

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

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

Motion approved.

**g. Second Reading and Proposed Adoption of Text Amendment to the Schedule of Regulations Footnote (ee) Regarding Side Yard Setback Options for Residential Developments.**

Mr. Quinn stated that this is the second reading and the proposed ordinance is in final form for the Board's consideration.

Mr. Cash moved to approve the second reading and proposed adoption of 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.

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

Motion approved.

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

Mr. Young moved to appoint Paul Fransway as the Alternate to the Zoning Board of Appeals for a three-year term. Ms. Johnson supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved.

Mr. Young moved to table the appointment of a DDA Representative as he is still interviewing possible candidates. Ms. Carcone supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved.

**i. Reappointment of Delegate and Alternate to the South Lyon Area Recreation Authority**

Mr. Young moved to reappoint Patty Carcone as the delegate and John Hicks as the alternate to the South Lyon Area Recreation Authority. Ms. Johnson supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved.

**j. Funding Approval for the Park Master Plan Update**

This issue was removed from the agenda.

**k. Strategic Planning Session with Road Commission for Oakland County – Set for Monday, March 26<sup>th</sup> at 2:00 PM – Need Number of Board Attending**

There was no action taken, information purposes only. It was noted that this should be posted as a study session since it is not known how many Board members will be attending.

**l. Second Reading and Proposed Adoption of the Ordinance Regarding Sledding in Atchison Park.**

Mr. Hicks moved to adopt the Parks and Recreation Rules and Regulations for sledding by adding Section 30-62. This is the second reading. Ms. Carcone supported the motion.

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

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

Motion approved.

**m. Trustee Hicks – Discussion Items; Chamber of Commerce, Grant Money, Capital Needs**

Mr. Hicks discussed information he provided the Board on the following issues:  
Chamber of Commerce – He stated that he would like to see the Township facilitate a chapter of this because he does not believe that the Township is properly serviced or acknowledged for the various events. He explained why he feels this way. He stated that he does not feel that the Township should be a separate entity, but should be in conjunction with the Chamber.

The general consensus of the Board was that they were in favor of promoting the township businesses and events.

Grant Money – He questioned if the Township is asking for any Grant money that is available. Don Collick, Fire Official, briefly discussed this issue. He noted that they have applied and will keep applying for Grants, but noted that most of the Grants require a match.

Capital Needs – He briefly discussed some of the capital improvements that the

Township is in need of and noted that some of the projects have been taken care of. The Board will review the list that Mr. Hicks provided to see if they agree with the items on the list. The Planning Commission must initiate these items and recommend to the Board per State law reported Attorney Quinn.

## 9. NEW BUSINESS

### a. Request from Bob Saks for Amendment to Consent Judgment

Scott Riddle, Owner's Representative for Bob Saks, stated that along with him tonight is Mary Falcone, Legal Representative for Bob Saks and Dan LaClaire, Alpine Engineering. He noted that Kevin Mechigian could not be here this evening as he is out of the State at a manufacturers meeting.

Mr. Riddle gave a brief presentation of the amendment that they are seeking to the consent judgment. He indicated that because the property does not perk, they had to redesign and re-engineer the site. Since the re-engineering of the site, it affected the following changes, which they are requesting approval for:

- Utilities – they have eliminated the septic fields shown on the documents and are planning to bring water and sewer to the site to not only service this development but to service the parcels located on the north side of I-96.
- Storm water – they are eliminating the underground water detention due to the soil conditions and the lack of reliability. They will be locating the retention basin on the southeast corner of the site.
- Water – It was originally designed and engineered for a well, but due to the fact that the monitoring costs of a well on the site, they have decided to bring water from the south side of I-96 to the north side of I-96, not only to serve this parcel but to also serve the entire north side of I-96 for the Township.
- Sizing of Facility – Increasing the size of building #1 to accommodate a prep and detail bump-out on the southwest corner of the facility. This bump-out area will be used as a manual preparation and detail area for vehicles to be delivered to customers. The bump-out will not only service building #1, but also building #2. They located this on the southwest side of building #1 because they were cognizant of the residents along the eastern property line. Building #1 is being increased from 39,000 square feet to approximately 41,000 square feet. Building #1 is the first building that will be built on the site. Building #2 will be increased from 33,000 square feet to 39,000 square feet. The increase in building #2 is needed because of the space guide requirements from the manufacturer. The building will be consistent with the exterior of building #1. Building #2 will only be sales, showroom, parts inventory and a service facility. There will be no collision repair in building #2.
- Phasing – They are proposing to eliminate the phasing of this development. Building #2 will follow within a matter of months of constructing building #1. At the time of the approval of the original consent judgment there was no clarity or definition as to the timing of building #2. He stated that they expect to submit documents for building #2 within three to four months.

Mr. Young stated that with the request for removal of the phasing, will something be provided in writing and building permits pulled within 30 to 90 days. Mr. Riddle stated that their expectation is to be submit construction documents possibly in 90 days. Mr. Quinn asked if there is anything in writing from the proposed user of building #2 that can be provided to the Township. Mr. Riddle responded that they do not have anything at this time. He noted that they are working under a confidentiality agreement right now, but should have something in writing to the Township within 30 to 45 days.

Mr. Young stated that the reason for the phasing was to provide the buffering on the east side. He

questioned if there anything that they can incorporate to make sure that the buffering takes place. Mary Falcone, Attorney, stated that there is a 60' undisturbed area and berm that they have agreed to and will do. She noted that this is not in the consent judgment but that they have agreed to do this. She stated that she does not have a problem stating that this will be done.

Mr. Hicks asked if they had a route planned yet for the sewer. Mr. Riddle responded that they do not, but they are looking at various alternatives.

Mr. Riddle stated that their agreement with General Motors on the Buick/Pontiac/GMC facility has not changed. He stated that their time window has shrunk and it is critically important for them to get this moving forward. He noted that this facility has to be operational by the end of 2007.

Mr. Hicks noted that there are a lot of issues cited in the McKenna Associates, Inc. letter. Ms. Carcone stated that there are three pages of issues. Mr. Doozan indicated that most of them are technical and detail issues. She noted that there were concerns from the Attorney and Planner, but they have not received anything from the Engineers. Mr. Crandell stated that they have a letter also, and that they only have a couple technical issues, which he briefly discussed. Mr. Doozan briefly reviewed the concerns that they have.

Mr. LeClaire indicated that they could get the revisions done and have them for the engineering plan. He noted that they don't have a problem with the three pages of issues. Mr. Young stated that since they are on a time constraint, he would ask the Board to consider moving forward with this. He felt that by tabling this or moving it to subcommittee it would slow it down too much.

Mr. Quinn stated that they could easily do the amendments to the consent judgment with what has been discussed tonight. He stated that it can be made subject to the final review by the Engineer, Planners, Attorney and Mr. Olson. Ms. Carcone stated that she wants to see the documents before she could vote for this.

Mr. Hemker stated that when this first came to the Planning Commission, this room was filled with residents. He stated that since the residents have not been notified of these subsequent meetings, even through the whole consent judgment process, they have not had any input into this and now they are going to see all the trees knocked down at once because there will be no phasing.

Mr. Young stated that the Board has an opportunity to approve something that will benefit all the residents in the Township with increased tax base. It was noted that with the utilities being brought to this site there is potential for commercial growth in this area.

Mr. Cash felt that they should vote on the changes and give the applicant direction. He stated that the applicant has indicated that they could get all the changes done within a week. He stated that the Board could then meet and decide on those.

Ms. Falcone briefly discussed the 60' of trees and berm as well as the lighting. It was noted that there will be no lights or doors on the east side of the building.

Ms. Johnson questioned why due diligence was not done on this parcel, as this property had per denials for many years.

Jim Chuck, 25265 Stanley Lane, stated that he felt that the extension of the water and sewer to this site is a plus. He felt that due diligence should have been done. He felt that this is a good project and that it will add to the SEV.

Mr. Hicks moved to amend the consent judgment for Bob Saks contingent on the following:  
- compliance with the March 2, 2007 McKenna Associates, Inc. letter

- compliance with the February 26, 2007 Attorney letter
- Engineering approval
- dedication of the sewer and water lines to the Township
- dedication of required easements along Pontiac Trail and where ever else they are required

Mr. Cash supported the motion.

Mr. Young asked if there were any comments or questions. There was further discussion with regard to the clearing of the land. There was concern with the clearing of the land all at once.

Mr. Hicks stated that they have had many contingencies with approvals where applicants tend to address the ones that they want and try to slip the others through. He stated that this will not happen here, if he has anything to do with it.

Mr. LeClaire addressed some of the site issues. He stated that they have completed everything with the exception of the landscaping already. He stated that they will address the landscaping issues and the gates to the dumpster area this week.

Mr. Crandell questioned what will be done in the next week. Mr. Riddle responded that they will begin clearing the site. He stated that timing is right for clearing the trees. Once the frost is gone, it will be that much more difficult to clear.

Mr. Roberts questioned when the \$25,000 bond would be paid. It was noted that this would be paid upon building permit issue.

Mr. Young questioned what would happen if this were approved and something goes wrong and the property is cleared of trees. He felt that this would create a real issue. He felt that it would be prudent to clear cut for the first building now and since the second building is not planned for approximately 90 days, clear cut the trees for that building then. Mr. Riddle stated that if they could cut the trees and maybe offer an additional \$25,000 to the tree fund instead of upon building permit, would this be satisfactory. The Board indicated that this would not be satisfactory.

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

Motion approved.

**b. AP 06-46, Zoning Map Amendment Regarding Boundaries of the Town Center Overlay District – First Reading**

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated February 27, 2007 regarding this issue.

Ms. Carcone moved to approve the first reading of the Zoning Map Amendment regarding boundaries of the Town Center Overlay District in the McKenna Associates, Inc. letter dated February 27th. Mr. Roberts supported the motion.

Voice Vote:           Ayes: All  
                                   Nays: None

Motion approved.

**c. Liquor License Transfer Resolution – Transfer of Class C License from Riffles American Café Corporation to Honey Tree of South Lyon, Inc.**

Mr. Quinn stated that no action can be taken on this issue tonight because the applicant has not completed and filed an application.

Mr. Hemker moved to table the liquor license transfer resolution transferring a Class C License from Riffles American Café Corporation to Honey Tree of South Lyon, Inc until they submit an application. Mr. Hicks supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved.

**d. Liquor License Transfer Resolution – Transfer of Ownership of Resort Class C License from Lion, Ltd. to Gazebo Group, LLC**

Mr. Quinn stated that no action can be taken on this issue tonight because the applicant has not completed and filed an application.

Mr. Hicks moved to table the liquor license transfer resolution transferring ownership of a Resort Class C License from Lion, Ltd. to Gazebo Group, LLC until such time as they take care of their business. Ms. Carcone supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved.

**e. First Reading of Proposed Water Course Definition Ordinance (Amendment to Floodplain Ordinance)**

Mr. Quinn explained that the Engineers brought to his attention that there should be an additional definition in this particular ordinance, which he provided in Section 17-32 of the zoning ordinances.

Mr. Hemker moved to approve the first reading of proposed water course definition ordinance. Ms. Johnson supported the motion.

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

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved.

**f. First Reading of Proposed Text Amendment Allowing Office and Retail Uses in the I-1, Light Industrial Zoning District.**

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc letter dated February 9, 2007 regarding this issue.

Mr. Hemker moved to deny the first reading of the proposed text amendment allowing office and retail uses in the I-1, light industrial zoning district. Mr. Roberts supported the motion.

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



recommend \$13.00 per hour for Deby and referred to a list of duties that Deby does. She stated that Deby has become an absolutely superb employee.

Ms. Carcone moved to recommend that Deby Cothery make \$13.00 per hour. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments or questions. Mr. Roberts questioned if this is enough. Ms. Johnson noted that this is a 30% increase. Ms. Carcone stated that it is not enough. She noted that Katherine started at \$11.00 per hour with no knowledge of the Township at all. She stated Deby knows more about the Township since she has taken the minutes.

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

Motion approved.

Mr. Olson stated that Katherine Nelson started at the Township at \$23,000 per year, which is significantly below the former person in that position. He reviewed the information in his memo dated January 31, 2007 with regard to his recommendation. He stated that based on the work that Katherine accomplishes and her mastery of the job thus far, he would recommend that they increase her pay to \$25,474.00 per year.

Ms. Carcone moved to raise Katherine Nelson's salary to \$25,474.00. Mr. Roberts supported the motion.

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

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

Motion approved.

### **13. ADJOURNMENT**

Ms. Carcone moved to adjourn the meeting. Mr. Roberts supported the motion. The meeting was adjourned at 11:42 PM.

Respectfully Submitted,

*Deby Cothery*

Deby Cothery  
Recording Secretary

Pamela Johnson  
Clerk