

**CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES
MEETING MINUTES
April 2, 2007**

Approved as submitted May 7, 2007.

DATE: April 2, 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
Les Cash, Fire Chief

Guests: 17

4. **APPROVAL OF THE CONSENT AGENDA**

- Approval of Regular Meeting Minutes of March 5, 2007
- Approval of Disbursements
- Consideration of Acceptance of Dedication and Bill of Sale for Sanitary Sewer Main on the Historic Parcel at Pinehurst Acres
- Consideration of Acceptance of Dedication Bill of Sale for Sanitary Sewer Main at Pinehurst Acres Phase I
- Consideration of Acceptance of Dedication and Bill of Sale for Water Main for Pinehurst Acres Phase I
- Consideration of Acceptance of Bill of Sale for Sewer Line for Mill River Investors, LLC
- Proclamation for National Child Abuse Prevention and Awareness Month
- Special Event Application for Save the Library Day at Flagstar Bank
- Giffels-Webster Engineers Request for Rate Increase
- Building Department Report for February, 2007
- Sheriff Department Report for February, 2007
- Fire Department Report for February, 2007
- Zoning Report for February, 2007
- Engineer Status Report for February, 2007
- Earth Tech Wastewater Treatment Plant Report 1/1 through 2/18/07

Mr. Hicks requested that the Giffels-Webster Engineers Request for Rate Increase be removed for discussion under Item 10.

Mr. Hick moved to approve the Consent Agenda as amended. Ms. Johnson supported the motion.

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

Motion approved.

5. ANNOUNCEMENTS AND COMMUNICATIONS

John Bell, Library Board, indicated that he has distributed "Save the Library" badges and requested that the Board wear them in support of the Library.

Jeff Potter, County Commissioner, stated that it has been an honor to work with Chris Olson, Township Superintendent, and that he is sorry to see him leave the Township. He also updated the Board on several issues happening at the County, one being the wireless Oakland program.

Mike Buck briefly discussed a notice he received with regard to AT&T and Comcast and their participation in cable television.

Mr. Young asked everyone to say a silent prayer for the Sharrard family.

6. CALL TO THE PUBLIC NONE

7. APPROVAL OF AGENDA

The issue was added to the agenda:
- RFP Discussion (added under new business)

Ms. Carcone moved to approve the agenda for Monday, April 2, 2007 as with the addition of RFP Discussion under New Business. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

8. UNFINISHED BUSINESS

a. Public Hearing on the Six Points Storm Sewer Special Assessment District

Mr. Quinn explained that this is the public hearing for the confirmation of the roll for the Six Points Storm Sewer Special Assessment District. This is the final step to finalize the assessments against the parcels. This is a special assessment roll for \$683,000.00 to make improvements at the Milford Road/Grand River Avenue intersection. He stated that of the \$683,000 a FEMA grant has been received in the amount of \$262,500 toward covering this under the Milford Road West Development Associates Planned Development agreement for Lyon Crossing. He stated that the 15 parcels within the planned development are going to be responsible for \$182,000. The balance of the assessment for the construction of \$164,499.50 is going to be paid by the Lyon Township DDA on behalf of all the other residents and businesses that are in this district. He stated that there will not be any actual assessments for construction purposes against any of the property owners other than the 15 parcels within Lyon Crossing. He stated that there will not be

any assessments for ongoing maintenance of this drain against the residential owners and the non-Lyon Crossing owners as long as the DDA exists. The DDA will pay for the annual maintenance fees imposed by the Oakland County Drain Commission. He stated that it is only, when and if, the DDA becomes defunct then the assessment for yearly maintenance would ever be assessed against the individual property owners.

Mr. Young opened the public hearing at 7:21 PM. It was noted that a letter of objection was received from an Attorney representing the owner of parcel #21-03-302-003, Angela Lesperance. There were no comments offered from the public. Mr. Young then closed the public hearing at 7:22 PM.

Mr. Young asked if there were any comments from the Board. Ms. Carcone stated that when you add the figures together, they are approximately \$71,000 short. Mr. Crandell stated that the Road Commission picks up this amount because of the Chapter 20 Drain. He stated that the Township is not assessing the County, the Drain Commission is doing this. The Township is assessing everybody else.

Ms. Carcone questioned if there is bonding for this and if she will be rolling this on the tax bills. Mr. Crandell responded that the Drain Commission is going to assess the Township. Mr. Quinn stated that the Drain Commission will issue one bill to the Township and then the Township will break it down. He stated that the DDA will be paying the Township and Lyon Crossing portions and that Lyon Crossing will be reimbursing the Township for their portion through a payment plan.

b. Resolution Confirming Roll for the Six Points Storm Sewer Special Assessment District

Mr. Quinn stated that the resolution is in a proper form for the Board's consideration this evening.

Mr. Hicks moved to adopt the resolution confirming the roll for the six points storm sewer special assessment in the amount of \$683,000. Ms. Carcone supported the motion.

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

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

Motion approved.

c. AP-06-46 Zoning Map Amendment Regarding Boundaries of the Town Center Overlay District – Second Reading and Proposed Adoption

Mr. Doozan noted that there is nothing additional to add.

Mr. Hicks moved to adopt the resolution of the zoning map for the Town Center Overlay District Ordinance #2, second reading. Ms. Carcone supported the motion.

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

Motion approved.

d. Second Reading and Proposed Adoption of Water Course Definition Ordinance (Amendment to Floodplain Ordinance)

Mr. Quinn stated that this is the proposed second reading and adoption of a definition for water courses. He stated that based upon a project meeting it was found to be necessary in this

particular portion of the ordinance. He noted that the project committee recommends adoption.

Mr. Cash moved to approve the second reading and proposed adoption of water course definition ordinance. Ms. Carcone supported the motion.

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

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

Motion approved.

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

Mr. Young stated that he requested that this item be placed on the agenda. He stated that after the last meeting there seemed to be some confusion with regard to the motion made. He stated that for reconsideration of this, somebody who voted in the affirmative would have to make a motion to reconsider.

Mr. Cash moved to reconsider 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.

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

Motion approved.

Mr. Doozan summarized the information in the McKenna Associates, Inc. letter dated February 9, 2007, regarding this issue. After his review the Board briefly discussed 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.

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

Motion approved.

f. Third Amendment to the Mill River Consent Judgment (Special meeting of March 13th cancelled)

Mr. Quinn stated that the last received language is acceptable. He stated that with regard to the various attachments, he would have to leave this issue up to McKenna Associates, Inc., since they are all planning attachments. He stated that they do appear to be accurate. Mr. Doozan noted that everything is satisfactory with the exhibits.

Mr. Quinn noted that this issue was sent to the sub-committee for recommendation. He stated that tonight's action would be a motion to either approve or deny the third amendment to the consent judgment.

Mr. Cash moved to approve the third amendment to the Mill River Consent Judgment. Ms. Carcone supported the motion.

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

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

Motion approved.

g. 1st Commercial, Copperwood Retail Center, Façade for Rite Aid

Mr. Young noted that this was an outstanding issue that needed to be addressed.

Bill Watch, 27600 Northwestern Hwy., Southfield, stated that at the last meeting a sub-committee was selected to assist them in producing an elevation for the Rite-Aid that would be acceptable to the Board. He stated that they did have a meeting with the sub-committee and displayed a color rendering of the new façade for the Rite-Aid based on the comments from the meeting.

Mr. Hicks felt that Rite-Aid has addressed their concerns. Ms. Carcone concurred. She stated that they did exactly what the sub-committee asked them to do.

Ms. Carcone moved to approve the Rite-Aid architectural rendering which was submitted to the Board on April 2, 2007. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments or questions. Mr. Hicks stated that they are approving the façade only and not the final amendment to the planned development. Mr. Young responded that they are only approving the elevation for the Rite-Aid. Mr. Quinn stated that the amendments to the planned development were already approved by the Board subject to this one final decision to be made. He stated that the motion to approve the façade design and not the number of signs on the building.

Ms. Carcone amended her motion to state that no signs are being approved with the façade approval. Mr. Hicks supported the amendment to the motion.

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

Motion approved.

h. Request from Bob Saks for Amendment to Consent Judgment

Mr. Quinn stated that at the last meeting the overall amendments to the consent judgment were approved subject to the review of the Consultants. He stated that the reviews have been done and a final proposed third amendment was forwarded to everyone. He stated that he would still like the site plan sheets reviewed by McKenna Associates to make sure that they have the right sheet numbers and dates. He highlighted the amendments to the consent judgment.

Mr. Cash moved to approve the first amended consent judgment and all the attachments subject to final approval by McKenna Associates, Inc. Mr. Hicks supported the motion for discussion.

Mr. Young asked if there were any comments or questions. Mr. Hicks questioned if approving this gives Bob Saks the right to clear cut all the trees even though they have no path for the sewer. Mr. Hemker stated that there are still open issues that need to be resolved. Mr. Olson noted that negotiations are ongoing for the water and sewer lines to be extended to this site. He stated that the property cannot be occupied without water and sewer.

Scott Riddle stated that they have several options that they have discussed for the extension of the sewer and water to the site. He assured the Board that this project will happen, the dealership will be up and operating by the end of the year.

Mr. Quinn read the motion that was made at the last meeting. He noted that since that time the Engineer's have reviewed and issued an approval subject to certain conditions and McKenna Associates, Inc. has their letter on the site plan issues. He stated that the Board basically already approved it and tonight is more of a formality to the previous approval.

Mr. Riddle stated that in order to pay for the infrastructure that they are bringing to the site, it cannot work with only one operation. He stated that it is vital that they have two businesses operating on this site to help recover the cost of the infrastructure that they are bringing to the site. He noted that they would be submitting for permits for engineering and architectural this week.

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

Motion approved.

i. Appointment of DDA Representative

Mr. Young moved to appoint Mark Mitra to the DDA to complete the term vacated by Ted Soper. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

j. Master Deed and Bylaws for Heights of Elkow Farms – Approval of Recorded Documents

Mr. Doozan stated that in 2005 the Planning Commission approved the Master Deed and Bylaws for the Heights of Elkow Farms. He stated that this was supposed to go on to the Board for approval, but the developers didn't understand this. He stated that two things did not happen, the revisions to the documents which was part of the approval did not get taken care of and secondly, it never went to the Board. He noted that the documents did go to the County in November, 2005 and were recorded. He stated that the way to cure this issue was to bring the documents to the Township Board for approval. He stated that the conditions of approval that the Planning Commission imposed still need to be taken care of, which are indicated in a lengthy letter from McKenna Associates, Inc.

Mr. Doozan suggested that the Board table this issue to allow the developer time to address the issues.

Ms. Carcone moved to table the approval of the Master Deed and Bylaws for Heights of Elkow Farms to have the applicant address the issues until the next regular meeting. Mr. Roberts supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

9. NEW BUSINESS

a. License Transfer of Ownership of Class C Liquor License for Honey Tree of South Lyon from Riffles American Café

Mr. Quinn stated that the application has now been completed and submitted to the Clerk. The Clerk requested the Building Official and Fire Official to inspect the premises. He stated that they have a letter dated March 27, 2007 indicating the deficiencies. He stated that when the resolution is approved there cannot be any conditions attached to it. He stated that the Board can approve this with directions to the Clerk that it is not to be sent to the State until a satisfactory letter is received from the Building Official. He stated that another option would be to table for another month until the building items are actually documented by Mr. Hogan.

Ms. Carcone moved to table the license transfer until the next regular meeting until Al Hogan has approved their violations. Mr. Hemker supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

b. First Reading of Text Amendment to Zoning Ordinance to Establish an Administrative Site Plan Review and Approval Process

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

Mr. Cash moved to approve the first reading of the text amendment to the zoning ordinance to establish an administrative site plan review and approval process. Mr. Hicks supported the motion.

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

Motion approved.

c. Groundwater Monitoring and Sodium Task Force Contract with Insight BCI

Mr. Olson explained the proposals for groundwater monitoring and compliance related activities for the wastewater treatment plant from Insight BCI. The proposal for the groundwater monitoring is estimated at \$21,334 and the proposal for the compliance related activities is estimated not to exceed \$7,500.

Mark Sweatman, Insight BCI, distributed and briefly reviewed information regarding this issue.

Mr. Cash moved to approve a contract between Lyon Township and Insight BCI for groundwater monitoring for an amount not to exceed \$21,334.00. Ms. Carcone supported the motion.

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

Motion approved.

Mr. Cash moved to approve a contract between Lyon Township and Insight BCI for compliance related activities in an amount not to exceed \$7,500.00. Mr. Hemker supported the motion.

Mr. Young asked if there were any comments or questions. Mr. Quinn noted that in the contract on the last page the last section "Florida" needs to be replaced with "Michigan".

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

Nays: None

Motion approved.

d. Discussion of Superintendent Departure

Mr. Olson read his resignation letter dated April 2, 2007 to the Board.

e. Fire Department Dispatch Contract with City of Novi for 2007-08

Ms. Johnson stated that this is their annual dispatch agreement. She stated that she had Chief Cash look at this for comparison to last year's agreement. Chief Cash briefly gave a comparison between this year and last year's agreement.

Mr. Hicks moved to approve the contract between the Lyon Township Fire Department and the City of Novi for dispatch services. Mr. Roberts supported the motion.

Mr. Young asked if there were any questions or comment. Mr. Cash stated that he was a little confused with the paragraph beginning "Upon renewal.....". Chief Cash noted that this paragraph has been in the agreement since the first agreement. Mr. Quinn explained that they probably run a different calendar year than the Township. All that this is saying that if the City of Novi were to increase this then they would have the right to bump up the contract rate at no more than 10%.

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

Motion approved.

f. Wastewater Treatment Plant Update from Engineers

Mr. Olson reviewed his memo to the Board dated March 28, 2007 regarding wastewater issues. Mr. Crandell also gave an update on the wastewater treatment plant operations and expansion. There was not formal action taken on this issue.

g. BS&A – Quote for Utility Billing Software – Treasurer Carcone

Ms. Carcone explained that the sewer billing has now become the responsibility of the Treasurer's Department. She stated that she requested a quote for the BS&A Utility Billing Software and from a company call Utiliease. She explained why she would really like to go with the BS&A System. She would like to get the systems under one unified system. She briefly went through the costs that were quoted.

Mr. Roberts moved to approve the BS&A quote for utility billing software for an amount not to exceed \$5,000. Mr. Cash supported the motion.

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

Motion approved.

h. RFP Discussion

Mr. Young stated that Mr. Olson sent out RFP's to several law firms and has provided a spreadsheet to the Board with the information he has received. Mr. Olson briefly discussed the information he

