

**CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES
MEETING MINUTES
August 6, 2008**

Approved as submitted September 2, 2008.

DATE: August 6, 2008
TIME: 7:00 PM
PLACE: 58000 Grand River

1. **Call to Order:** Supervisor Young called the meeting to order at 7:00 PM.

2. **Pledge of Allegiance**

3. **Roll Call:** Present: Lannie Young, Supervisor
Patricia Carcone, Treasurer
Pamela Johnson, Clerk
Dan Cash, Trustee
Brent Hemker, Trustee
John Hicks, Trustee
Chriss Roberts, Trustee

Also Present: Matthew Quinn, Township Attorney
Chris Doozan, Township Planner
Leslie Zawada, Township Engineer
Al Hogan, Building Official
Ron McClain, Fire Chief

Guests: 22

4. **APPROVAL OF THE CONSENT AGENDA**

- Approval of Special Meeting Minutes of June 25, 2008
- Approval of Regular Meeting Minutes of July 7, 2008
- Approval of Disbursements
- Revenue Expense Report through June
- Cash Balance Report through June
- Building Department Report for June, 2008
- Fire Department Report for June, 2008
- Zoning Report for June, 2008
- Engineer Status Report for June, 2008
- Acceptance of Purchase Agreement for Real Property with Matthew L. & Bonnie M. Graves for the property located at 29712 Milford Road, Parcel 21-03-351-019.
- Acceptance of Purchase Agreement for Real Property with Gary M. & Renee A. Day for property located at 57050 Cash Street, Parcel 21-04-476-038.
- Acceptance of Purchase Agreement for Real Property with Dorothy Day for property located at 29721 Milford Road, Parcel 21-04-476-039.

Ms. Carcone moved to approve the Consent Agenda as submitted. Mr. Roberts seconded the motion.

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

Motion approved.

5. ANNOUNCEMENTS AND COMMUNICATIONS

- a. Letter from Fellowship Evangelical Presbyterian Church
- b. Event Reminder of Operation Injured Soldier – 2nd Annual Motorcycle Ride in JF Atchison Park on August 17, 2008

Mr. Young noted that Deby Cothery, Recording Secretary, submitted a letter indicating that she is resigning as recording secretary.

Mr. Quinn stated that he received a notice from Providence Park Hospital in Novi inviting the Board to their grand opening on Saturday, August 23rd from 8:00 am until 1:00 pm.

Mr. Quinn briefly discussed the Court of Appeals opinion on Fifty-eight Limited Liability Company and Touchstone Corporation vs. the Charter Township of Lyon.

6. CALL TO THE PUBLIC

Carol Levitte, Natasha Lane, discussed a zoning issue.

7. APPROVAL OF AGENDA

Ms. Carcone moved to approve the agenda as submitted. Mr. Hicks seconded the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

8. UNFINISHED BUSINESS

a. Presentation of Proposed Floor Plan for Library/Community Center

Holly Teasdale, Library Director, updated the Board with what has been going on at the Library. She briefly discussed the new interior design that they are proposing.

Chris deBear, Library Design Associates, presented the proposed plan for the new interior design.

There was brief Board discussion. It was determined that the committee would get together to further discuss this and bring something back to the Board at the September meeting.

b. Attorney Review of Joining U.S. Communities for Future Park Equipment Purchases

Mr. Quinn stated that this would not take the place of the Township's bid policy. He stated that there would not be a problem with the Township joining this for future park equipment purchases. He noted that when the Township is ready to purchase, they would then vote on waiving the bid policy for this particular item.

Mr. Roberts moved to authorize Supervisor to sign the contract and forward it on to them. Mr. Hicks seconded the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

c. Resolution Establishing Industrial Development District Number One

Mr. Quinn stated that the Township received a request from WCG Enterprises, Inc. dated July 22, 2008. They are requesting that unit 7, 28320 Lakeview Drive, Parcel #21-12-451-018, be designated as an Industrial Facility District. He explained the process for this to happen.

Mr. Young opened up a public hearing for this issue at 7:55 pm. There were no comments. He then closed the public hearing at 7:56 pm.

Mr. Hemker moved to adopt the Resolution Establishing Industrial Development District Number One. Mr. Hicks seconded the motion.

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

Motion approved.

d. Resolution Naming Fire Station #1 the Leslie L. Cash Fire Administration Building

Mr. Quinn briefly explained what this resolution is for.

Mr. Hemker moved to adopt the resolution authorizing naming of fire administrative center honoring Fire Chief Leslie L. Cash. Ms. Johnson seconded the motion.

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

Motion approved.

e. Resolution Adopting an Amended Utility Fee Schedule

Ms. Zawada explained that there were a couple items that were missed when they last updated the utility fee schedule. This resolution is addressing correction of missed items.

Ms. Carcone moved to approve the Charter Township of Lyon, Oakland County, Michigan resolution of the Township Board adopting an amended utility fee schedule. Mr. Hicks seconded the motion.

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

Motion approved.

f. Ordinance for Reimbursement for Sewer Construction (Bob Saks Pay Back)

Mr. Quinn stated that at the last meeting the Board authorized the Engineer and Attorney to put together a first reading proposal. He briefly explained how this ordinance for reimbursement works.

There was discussion with regard to the amount that would be paid to both Bob Saks and to the Township by residential users and future commercial users.

Ms. Carcone moved to amend the first reading draft to exclude the number of REU's applicable to any residentially used property and directing the Township Engineer and Township Attorney to modify the sections of the ordinance appropriately. Mr. Roberts seconded the motion.

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

Motion approved.

9. NEW BUSINESS

a. Appletree Christian Learning Center, 58019 Grand River – Retaining Wall

Mr. Doozan reviewed the information provided in the McKenna Associates, Inc. letter dated July 29, 2008 regarding this issue.

Eric Rauch, representing Design Engineers, gave an overview of the project and what they are proposing.

Mr. Hemker moved to grant the waiver of the retaining wall per McKenna Associates, Inc. letter dated July 29, 2008 with condition that the entire retention basin is fenced in with a five foot non-climbable fence on all four sides. Ms. Carcone seconded the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

b. Fire Records Management Agreement between Oakland county and Lyon Township Fire Department

Chief McClain briefly explained the fire records management program that the Lyon Township Fire Department is very interested in using.

Mr. Cash moved to approve the Fire Records Management Agreement between Oakland County and the Lyon Township Fire Department. Mr. Roberts seconded the motion.

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

Motion approved.

c. Request for Liquor License Transfer from Applebee's of Michigan, Inc. to Applebee's Restaurants Mid-Atlantic, LLC

Ms. Johnson explained that Applebee's has changed names. She indicated that they are still waiting to hear from Anthony, Highland Treatment, with regard to the grease lift station. The engineers indicated that this problem is still not resolved and recommended that this issue be tabled.

Ms. Carcone moved to table the request for liquor license transfer from Applebee's of Michigan, Inc. to Applebee's Restaurants Mid-Atlantic, LLC until the next regular meeting. Mr. Hemker seconded the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

d. Revisions to the Town Center Overlay District, Article 41.00 of the Lyon Township Zoning Ordinance – First Reading

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated July 15, 2008.

Ms. Carcone moved to approve this ordinance’s first reading with condition that the Planner and the Attorney will add more restrictive language to section f, dealing with free standing signs. Mr. Roberts seconded the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

e. Proposed Zoning Ordinance Amendment Concerning Site Plan Site – First Reading

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated July 15, 2008 regarding this issue.

Ms. Carcone moved to approve the proposed zoning ordinance amendment of McKenna Associates, Inc. letter dated July 15th, removing the words “at least” from the Engineering Standards. This is the first reading. Mr. Hicks seconded the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

f. Community Development Block Grant Public Service Contracts

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated July 29, 2008 regarding these issues.

I. South Lyon Community School District

Ms. Carcone moved to authorize the Township Supervisor to execute the CDBG Public Service contract for program year 2008 with the South Lyon Community School District in the amount of \$15,682. Mr. Hicks seconded the motion.

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

Motion approved.

II. South Lyon Area Youth Assistance

Ms. Carcone moved to authorize the Township Supervisor to execute the CDBG Public Service Contract for program year 2008 with the South Lyon Area Youth Assistance in the amount of \$10,058. Mr. Hicks seconded the motion.

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

Motion approved.

g. Discussion of Use of Township Hall Restrooms for Movie in the Park During Pumpkinfest

Mr. Hicks explained that Pumpkinfest would like to have a movie during the festival. They would like to have the movie at the Township Park. He stated that they would like to utilize the bathrooms inside the Township building. He noted that he would be willing to see that the building is open and that only the bathrooms were accessed. He noted that Rose Case also indicated that she would be willing to do this.

Ms. Carcone moved to allow pumpkinfest movie night to use the township hall restrooms with the condition that John Hicks, Rose Case or another Township official opens and closes the building. Mr. Hicks seconded the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved.

10. ITEMS REMOVED FROM CONSENT AGENDA FOR ACTION OR DISCUSSION NONE

11. ADJOURNMENT

Ms. Carcone moved to adjourn the meeting and go into an Executive Session. Mr. Hemker seconded the motion. The meeting was recessed at 8:48 PM.

Voice Vote: Ayes: All
Nays: None

Motion approved.

12. EXECUTIVE SESSION REGARDING PENDING LITIGATION & PROPERTY ACQUISITION

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary

Pamela Johnson
Clerk