Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
December 1, 2008

Approved: January 5, 2009 as written

The meeting was called to order by Supervisor Young at 7:03 p.m.

Roll Call: Patricia Carcone, Treasurer
Michele Cash, Clerk
John Dolan, Trustee
Steven Fletcher, Trustee
Brent Hemker, Trustee
John Hicks, Trustee
Lannie Young, Supervisor

Guests: 18

Also Present: Chris Doozan, McKenna Associates
Loren Crandall, McKenna Associates
Matthew Quinn, Township Attorney

APPROVAL OF CONSENT AGENDA

Approval of Regular Meeting Minutes of November 5, 2008
Approval of Special Meeting Minutes November 1, 2008
Approval of Scheduled Meetings and Holidays for 2009
Approval of Disbursements
Revenue Expense Report through October
Cash Balance Report through October
Building Department Report for October 2008
Fire Department Reports for September & October 2008
Zoning Report for October 2008
Engineer Status Report for October 2008
Acceptance of Bill of Sale – Water Line from Lakeside Oakland Development, LLC for the property commonly known as New Hudson Plaza with Parcel 21-04-201-012

The minutes were moved to item 10 on the agenda because they needed to be approved separately due to the new members of the Board. Also, the Zoning Report for October 2008 was also removed.

Motion by Carcone, second by Hemker
To approve the Consent Agenda as revised.

Roll Call Vote: Ayes: **Dolan, Carcone, Young, Fletcher, Cash, Hemker, Hicks**
Nays: **None**

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Ms. Carcone reported that the winter tax bills are being mailed this week.

Mr. Quinn reported on the court case involving McNabe Carpeting regarding the signs.

CALL TO THE PUBLIC

Shirley Baker, 27239 Stancrest – She thanked the Board members that are no longer part of the Board for their

service and encouraged the Board to make the library a showplace.

Jeff Potter- Thanked the board for their support during the election and stated that he would do the best job that he can over the next 2 years to earn the confidence that has been placed in him. Given the economic problems they are looking at combining positions to save money. The revitalization of Lyon Township and South Lyon would be a gateway to the whole community.

APPROVAL OF AGENDA

The two sets of minutes would be moved to item 10 on the agenda and there was a small verbiage change under the Executive Session.

Motion by Hicks, second by Dolan
To approve the agenda as revised.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

8. UNFINISHED BUSINESS

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

Mr. Crandall explained that they are requesting to table this agenda item because they are still waiting for information.

Motion by Hemker, second by Carcone
To table Bob Saks Pay Back until January 2009.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

B. Board of Review Appointments

Supervisor Young explained that the terms are for 2 years.

Motion by Young, second by Hicks
To appoint Dean Jenson to the Board of Review beginning January 1, 2009 through December 31, 2011.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Motion by Young, second by Carcone
To appoint Jim Hamilton to the Board of review beginning January 1, 2009 for a two year term.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Motion by Young, second by Carcone
To appoint Abe Ayoub to the Board of Review beginning January 1, 2009 for a two year term.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

C. Planning Commission Appointments

Supervisor Young explained that the Planning Commission term was for 3 years.

Motion by Young, second by Carcone
To appoint Michael Conflitti to the Planning Commission for a 3 year term terminating November 30, 2011.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Motion by Young, second by Fletcher
To appoint Carl Towne to the Planning Commission for a 3 year term terminating November 30, 2011.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

D. ZBA Appointments

Motion by Young, second by Hicks
To appoint Bill Erwin to the Zoning Board of Appeals with a term ending November 30, 2011.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Motion by Young, second by Carcone
To appoint John Hicks to the ZBA as the Board Liaison for the term of office.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Motion by Young, second by Carcone
To appoint John Dolan as the Board Liaison to the Planning Commission until November 30, 2010.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

E. Proposed Amendments to 2008 Budget – None

F. Proposed Adoption of 2009 Budget

Supervisor Young reviewed items in the proposed budget regarding the road fund.

Motion by Hicks, second by Fletcher
To approve as the adopted Final Draft 2009 Road Fund.

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

MOTION APPROVED

Supervisor Young explained that they did an amendment to the DDA budget for 2008 at the last meeting and he reviewed the proposed budget for the DDA contingent upon the DDA's approval.

Mr. Doozan explained the marketing and public relations portion and how the message would be brought forward to the right audience and bring in new business to the area.

Motion by Dolan, second by Carcone
To approve the 2009 DDA Fund Draft number 1 budget contingent on DDA approval.

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

MOTION APPROVED

Motion by Fletcher, second by Hicks
To adopt the 2009 Sewer Fund Final Draft budget 2.

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

MOTION APPROVED

Motion by Dolan, second by Cash
To adopt 2009 Library Fund Draft 2.
Roll Call Vote: Ayes: Dolan, Cash, Hicks, Young, Hemker, Carcone, Fletcher
Nays: None

MOTION APPROVED

Supervisor Young explained that the water fund was very complicated. Oakland County has a fiscal year that was different from the Township's and this was an Enterprise Fund. Supervisor Young explained the funds showing the reserve, net income and operating expenses. There were concerns expressed as to how high the operating expenses are.

Motion by Carcone, second by Dolan
To approve the Water Enterprise Fund bank balances and operational expenses for the year as of December 1, 2008.

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

MOTION APPROVED

G. Repurchase of Sewer REU's Request-Q Industrial

Mr. Quinn asked that this item be moved to the end of the meeting because it was subject to the opinion letter for the Executive Session.

H. Request from DDA to Establish a Redevelopment Project Area with the Michigan Liquor Control Commission

Mr. Doozan gave a brief history regarding the DDA district. The recommendation was that even though there was no applicant at this time, the DDA considers this tool necessary to attract future development. They recommend the Township Board adopt a resolution to create a redevelopment project area in the DDA District for the purpose of establishing an additional liquor license quota with the Michigan Liquor Control Commission.

Motion by Hicks, second by Fletcher
To approve the redevelopment project pending the resolution.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

I. Report from Subcommittee regarding AP 08-19, VS-17, LLC, Rezoning request of 17.98 acres (Parcel 21-03-352-006) from I-2, Industrial District with Town Center Overlay District, to I-2, Industrial District without Town Center Overlay District.

Supervisor Young explained that he would like to table this issue until the next meeting due to not having any further information.

Motion by Young, second by Hemker
To table Report from Subcommittee regarding AP 08-19 until the next meeting.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

NEW BUSINESS

A. AP-08-23, Twin Pines Planned Development, Conceptual Planned Development Review, plan dated 9/22/08.

Representing Twin Pines: Herb Lawson, Windham Group

Mr. Doozan reviewed the memo from McKenna Associates dated November 18, 2008 with the following recommendation:

Conceptual review was intended to give the applicant an indication of the issues and concerns that must be resolved before preliminary and final approval of the planned devotement. No formal action was required or appropriate at this time. Building separation and density were the major concerns of the Planning Commission.

Mr. Lawson gave brief history of the project and explained that the project was unanimously approved of by the Planning Commission with the elimination of 5 units. He continued that they would be unable to move forward without receiving positive feedback from the Board.

Concerns were raised among the Board members regarding the density and building separation. After discussing the Special Assessment District that was applied to this project most of the Board members agreed that moving this project forward would be for the financial good of the Township.

B. Presentation from John Bell regarding Kite Flying Festival Spring 2009

Mr. Bell gave a presentation explain the proposed Kite Flying Festival slated for May 2, 2009. He explained that this would be an intergenerational activity, a possible fund raiser and this could become an annual event.

Concerns were raised regarding the safety of flying kites by the freeway. Mr. Bell explained that a kite has never landed on the freeway.

Ms. Gibson explained that this activity was a very positive way to promote the park and she recommended that the participants sign a waiver for participation.

Mr. Quinn suggested that they also check with the airport. Mr. Bell stated that has been done.

C. Board Discussion on Sign Ordinance

Supervisor Young reported that there has been concern raised to consider electronic signs. All of the Board members agreed that it should be investigated further. Trustees Hicks, Dolan and Fletcher agreed to form a subcommittee to start the process. A member from the Planning Commission will also become part of the subcommittee.

10. Items Removed from Consent Agenda for Action or Discussion

Motion by Hemker, second by Carcone
To approve the Minutes of November 1, 2008 and November 5, 2008 as submitted.

Roll Call Vote: Ayes: **Hemker, Carcone, Hicks, Young**
Nays: **None**
Abstain: **Fletcher, Cash, Dolan**

MOTION APPROVED

ADJOURNMENT INTO EXECUTIVE SESSION

Motion by Carcone, second by Fletcher
To adjourn the meeting into Executive Session

Voice Vote: Ayes: **Unanimous**
Nays: **None**

MOTION APPROVED

The Regular Meeting of the Board of Trustees was adjourned into Executive Session at 9:07 p.m.

The meeting was reconvened.

11. The Repurchase of sewer REU's under the Zebra Contract.

Mr. Quinn outlined that the Zebra agreement required the Board to purchase 22 REU's from the property that was subject to the Zebra agreement from 1997. The Township was looking to buy back those 22 REU's for $99,000.00 in cash and the agreement would be drafted by Mr. Quinn

Motion by Hicks, second by Carcone
To approve in the general terms with the direction for Mr. Quinn to put a settlement agreement together for all of the parties to sign by the end of December 2008 and that the $99,000.00 would be paid to Zebra at the time the contract was executed.

Roll Call Vote: Ayes: **Fletcher, Hicks, Cash, Young, Carcone, Hemker, Dolan**
Nays: **None**

MOTION APPROVED

11a.) Approval of Settlement with T&M Paving Company Case pending in the Oakland County City Court

Motion by Carcone, second by Fletcher
To add T&M Paving Company to the agenda.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Mr. Quinn reported that the Township would pay from the Special Assessment District Funds a sum of $90,000.00. Mr. Crandall reviewed where the SAD's were stopped.

Motion by Hicks, second by Dolan
To approve the settlement in the T&M Paving lawsuit as was outlined.

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

MOTION APPROVED

Ms. Carcone made a motion to adjourn the meeting. Mr. Fletcher supported the motion.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

The meeting was adjourned at 9:39 p.m.

Respectfully Submitted,

Kellie Angelosanto
Recording Secretary

Michele Cash
Clerk