

Charter Township of Lyon
Board of Trustees
Minutes of the Regular Board Meeting
April 7, 2008

Approved as written May 5, 2008

The meeting was called to order by Supervisor Young at 7:00 p.m.

Roll Call: Patricia Carcone, Treasurer
Daniel Cash, Trustee
Brent Hemker, Trustee
John Hicks, Trustee
Pamela Johnson, Clerk
Chriss Roberts, Trustee
Lannie Young, Supervisor

Also Present: Matthew Quinn, Township Attorney
Chris Doozan, Township Planner
Les Cash, Fire Chief
Loren Crandall, Township Engineer

Guests: 20

APPROVAL OF CONSENT AGENDA

- Approval of Regular Meeting Minutes of March 3, 2008
- Approval of Disbursements
- Building Department Report for February 2008
- Fire Department Report for February 2008
- Zoning Report for February 2008
- Engineer Status Report for February 2008
- 2008 Chloride Program with RCOC
- Acceptance of Bill of Sale for Water Line from Abbey Park at Mill River, LLC
- Acceptance of Grant of Permanent Water Main Easement from Abbey Park at Mill River, LLC
- Acceptance of Bill of Sale for Water Line from Mitsumi Electronics Corp.
- Acceptance of Grant of Permanent Water Main Easement from Mitsumi Electronics Corp.
- Acceptance of Permanent Water Main Easement from Fred H. & Nancy A. Atchison re: parcel 21-21-300-044
- Acceptance of Permanent Water Main Easement Brenda K. Brewer re: parcel 21-21-300-006
- Acceptance of Permanent Water Main Easement from Carlene S. Atchison, Survivor of herself and her deceased husband James Ford Atchison re: parcel 21-21-400-011
- Acceptance of Permanent Water Main Easement from Fifty Eight Limited Liability company re: 21-22-300-034
- Acceptance of Permanent Water Main Easement from Four Horseman re: parcel 21-22-300-010
- Acceptance of Permanent Water Main Easement from Eileen M. Foley re: parcel 21-22-300-054
- Acceptance of Permanent Water Main Easement from Eileen M. Foley re: parcel 21-22-300-030
- Acceptance of Permanent Water Main Easement from Norman & Cynthia Fultz re: parcel 21-21-400-050
- Acceptance of Permanent Water Main Easement from Home E. & Ruby C. Graham re: parcel 21-22-300-038
- Acceptance of Permanent Water Main Easement from Timothy & Pamela Hill re: parcel 21-22-400-007
- Acceptance of Permanent Water Main Easement Ardis J. Loos, survivor of herself and her deceased husband Hendrik R. Loos re: parcel 21-21-300-021
- Acceptance of Permanent Water Main Easement from Joseph R. & Carol S. McDonald re parcel 21-22-300-050
- Acceptance of Permanent Water Main Easement from Bryan Russell Smith & Victoria Anne Smith re: parcel 21-21-400-022
- Acceptance of Permanent Water Main Easement the Lawrence J. Thurman & Margaret L. Thurman Joint Family Trust re: parcel 21-21-400-005
- Acceptance of Permanent Water Main Easement from Donald V. Walker re: parcel 21-21-400-031
- Acceptance of Permanent Water Main Easement from Wayne L. & Patricia Bailey re: parcel 21-28-100-013
- Acceptance of Permanent Water Main Easement from Doris E. Clark, Trustee of Dore E. Clark Revocable Trust re: parcel 21-33-126-010
- Acceptance of Permanent Water Main Easement from Doris E. Clark & Donald M. Morrissey Trustee of Donald M. Morrissey Trust re: parcel 21-32-226-001
- Acceptance of Permanent Water Main Easement from Phillip & Mary C. Batchelor re: parcel 21-28-300-002
- Acceptance of Permanent Water Main Easement from Theodore Boschma re: parcel 21-28-300-015

APPROVAL OF AGENDA

The following items were added to the agenda:

- j. Resolution of Tentative Declaration of Intention to Make Improvements
- k. Sales order agreement for voting machine
- ll. Executive Session to discuss two pending litigation matters

Motion by Hicks, second by Johnson
To approve the agenda as amended.

Voice Vote: Ayes: Unanimous
 Nays: None

MOTION APPROVED

UNFINISHED BUSINESS ITEMS

8a.) Second Reading and Proposed Adoption of Text Amendments to the Private Road Ordinance

Mr. Hemker raised concerns regarding a hold harmless agreement. Brief discussion continued. The Board decided that they would like to see it go through the ZBA to work through an inability to build on a lot.

Motion by Roberts, second by Carcone
To approve Ordinance entitled 2008 Amendments to the Private Road Ordinance Section 36-4 entitled Dividing, Partitioning or Assembling Land and Road Frontage and Section 36-5 Minimum Road Frontage required for Assistance of Building Permit be denied.

There was Board discussion and comments given by residents, Lisa Blades, Shirley Baker and Les Cash.

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

MOTION APPROVED

8b.) Second Reading and Proposed Adoption of Text Amendments to Special Events & Other Uses Ordinance

Mr. Quinn commented that after further research parade regulations do not belong in Zoning Ordinances so he would bring back a process to deal with that concern at an up coming meeting. Mr. Doozan pointed out a revision to footnote “e” showing the deletion of the words “and height”. Mr. Quinn agreed.

Motion by Cash, second by Hicks
To approve the Second Reading and Proposed Adoption of Text Amendments to Special Events & Other Uses Ordinance and the corrections made by Mr. Doozan.

There was brief discussion among the Board members regarding sandwich board signs and the administrative review process.

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

MOTION APPROVED

NEW BUSINESS

9a.) **Donahee Farms Request for Roadside Stand for Produce Sales**

Mr. Doozan gave an overview of the McKenna memo.

Ms. Carcone raised concerns regarding the time length that was being requested and that the business would not pay any taxes to the Township. The competition it would raise for the businesses that are paying taxes and who contribute to the area was a difficult situation. Board members discussed these issues.

Lawrence Donahee – He stated that they have brought up legitimate concerns but the landowner would be paying taxes, they would be leasing the land from the owner and they were willing to clean up the lot. They have operated in the City of South Lyon for years. He wouldn't have paid the \$500.00 fee. If that was such a concern why was it not stated in the ordinance, Raney's and Erwin's could also sell and do the same thing he was doing.

Jay Howie – He commented that he thought having a farmers market would be a good idea and wondered if someone would want to be involved to structure something like that.

Lisa Blades – Commented about the variety of produce that is offered at the roadside stand at Erwin's that were not grown on the property.

Motion by Carcone, second by Cash
To deny Donahee Farms request for Roadside Stand for Produce Sales

Mr. Cash stated that he would make a subsidiary motion to refund the applicants fee. Mr. Hicks supported the subsidiary motion.

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

MOTION APPROVED

Motion by Carcone, second by Cash
To deny Donahee Farms request for Roadside Stand for Produce Sales

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

MOTION APPROVED

9b.) **Proposed Revisions to Engineering Standards**

Motion by Carcone, second by Hicks
To table the proposed Revisions to Engineering Standards

Voice Vote: Ayes: Unanimous
 Nays: None

MOTION APPROVED

9c.) **Proposed Amendments to Senior Housing Regulations**

Mr. Doozan gave a brief overview of the Senior Housing Regulations.

Motion by Hicks, second by Roberts

To adopt the first reading of recommended revisions of the Zoning Ordinance to provide for various types of senior housing.

The Board Members discussed the concern of density, underlying zoning and Special Land Use.

Jim Chuck – Commented to leave it as a Special Land Use and to make it feasible.

Nick Mancinelli – He presented some statistics on the aging population.

Shirley Baker – She questioned if a business failed and if a Special Land Use would protect that use.

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

MOTION APPROVED

9d.) Proposed Revisions to the Noxious Weed Ordinance

Mr. Quinn gave a brief overview of the proposed revisions.

Motion by Cash, second by Hicks

To approve the first reading of the proposed revisions to the Noxious Weed Ordinance

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

MOTION APPROVED

9e.) Discussion of Revised Business Licensing Ordinance

Mr. Quinn gave a brief overview of the revised Business Licensing Ordinance.

Mr. Roberts gave a brief explanation of what the sub committee discussed. He stated that they wanted to know what the business was doing and what it was storing on site. They have no knowledge if a business switched hands in between fire inspections. It makes a lot of sense to have a registration. He would also say that he would like to see this tabled and investigate the cost of the software. There was brief discussion regarding the fee.

Don Collick, Lyon Township Fire Inspector – commented in support of the business licensing.

Jay Howie – commented that he didn't know what it would accomplish.

There was no action taken on this item from the Board.

9f.) Grand River/Lyon Crossing Roundabout Bid

Mr. Crandall listed the low bidders for the construction of the Grand River/Lyon Crossing Roundabout. He stated that both low bidders were qualified and they have the equipment and labor to do the work. Sunset Excavating was working for the Township now, they did fall behind schedule, and there was currently a dispute in the project partially caused by their failure to notify the engineer. Dan's Excavating has also done work with the Township. The DDA Board has reviewed and they recommend the bid be awarded to Sunset Excavating. There were concerns raised with hiring Sunset Excavating given the delay in the work that was ongoing now.

Motion by Cash, second by Hicks

To award the low bid to Sunset Excavating for the west roundabout in the amount of \$1,049,356.93

Mr. Young stated that there has not been any discussion yet regarding the sidewalk and pedestrian islands using stamped concrete. That proposal would be discussed once the price was submitted. Mr. Young commented regarding the SAD that would be established so they can pay back the DDA.

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

MOTION APPROVED

9g.) Resolution of Property Acquisition

Mr. Quinn stated this was regarding the 3 roadside parcels that have an impact on the roundabout at Lyon Center Drive and Grand River. Those negotiations have not been fruitful so he would ask that this resolution be adopted which was a prerequisite.

Motion by Hicks, second by Cash

To adopt the Resolution of Property Acquisition pertaining to the 3 parcels stated in the resolution.

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

MOTION APPROVED

9h.) BCI 2008 Proposal for Groundwater Monitoring

Mr. Young stated that they have been doing the groundwater monitoring for the sewer plant expansion. They put test wells in last year, which was a State requirement. They need to continue to do that for this year. The total cost was \$19,129.00, which was actually \$2205.00 less than last year.

Mr. Quinn reviewed the minor changes that needed to be made referring to changing the wording from Florida to Michigan in two areas.

Motion by Cash, second by Hicks

To approve the BCI 2008 Proposal for Groundwater Monitoring in the amount of \$19,129.00 subject to Township Attorney approval.

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

MOTION APPROVED

9i.) Median Wage Proposal Discussion

Mr. Young reviewed the spreadsheet regarding the median wages. There were general Board comments concerning the data and comments regarding the starting wages. The goal was to come up with the Board adjusted number and determine the starting wage salaries as a starting point. The consensus was that 70% was a fair starting salary percent. Mr. Young stated that he would put together a resolution for the May meeting.

9j.) Resolution of Tentative Declaration of Intention to make Improvements

Mr. Quinn stated that this was the resolution regarding the Lyon Center Drive paving improvement Special Assessment District in the northeast quadrant of the ring road. The proposed estimated cost was \$10,710,000.00, which one half would be assessed against the lands, and the other half would be the general obligation of the Township, to be paid by the Downtown Development Authority through the GO Bond over a 20-year period. The Special Assessment District includes the lands within the Lyon Town Center and those properties down to Grand River.

Motion by Cash, second by Johnson

To approve resolution of tentative Declaration of Intention to make improvements of the east Lyon Center Drive pavement improvements estimated cost of \$10,710,000.00.

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

Nays: None

MOTION APPROVED

9k.) Sales Order Agreement

Ms. Johnson explained the need to purchase one additional M-100 voting machine. The total cost, including the hardware and maintenance for one year was \$5454.00. This was a budgeted item last year. Mr. Young stated that this might require a budget amendment because it was a budgeted amount from last year.

Motion by Johnson, second by Cash

To approve the purchase of the M-100 voting machine in the amount of \$5454.00

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

Nays: None

MOTION APPROVED

10. ITEMS REMOVED FROM CONSENT AGENDA FOR ACTION OR DISCUSSION – None

11. EXECUTIVE SESSION

Motion by Carcone, second by Hemker

To close the regular session and enter into Executive Session for pending litigation.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

The Regular Session of the Board Meeting was adjourned at 9:38 p.m.

Respectfully Submitted,

Kellie Angelosanto
Recording Secretary

Pamela Johnson
Clerk