

**CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES
MEETING MINUTES
May 5, 2008**

Approved as submitted June 2, 2008.

DATE: May 5, 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
Jim Sharpe, Township Engineer
Al Hogan, Building Official
Les Cash, Fire Chief

Guests: 41

4. **APPROVAL OF THE CONSENT AGENDA**

- Approval of Regular Meeting Minutes of April 7, 2008
- Approval of Disbursements
- Building Department Report for March, 2008
- Fire Department Report for March, 2008
- Zoning Report for March, 2008
- Engineer Status Report for March, 2008
- Acceptance of Bill of Sale for Sewer Line from (Offsite) from Republic West LLC
- Acceptance of Bill of Sale for Water Line (Offsite) from Republic West LLC
- Acceptance of Bill of Sale for Water Line (Onsite) from Republic West LLC
- Acceptance of Bill of Sale for Sewer Line (Onsite) from Republic West LLC
- Acceptance of Permanent Sewer Easement from Woodwind Investments, LLC re: parcel 21-22-300-057
- Acceptance of Permanent Sewer Easement from Curtis A & M Lyon, LLC re: parcel 21-23-400-016
- Acceptance of Permanent Sewer Easement from Dallas A. & Virginia Fletcher & Clayton G. & Ruth E. Rickard, re: parcel 21-23-100-004
- Acceptance of Permanent Sewer Easement from Derrick D. & Lisa Ann Dohany re: 21-27-100-005 & 21-27-100-004

- Acceptance of Permanent Sewer Easement from Fifty Eight Limited Liability Company re: 21-27-100-027
- Acceptance of Permanent Sewer Easement from Glenn Lee Fletcher re: parcel 21-27-100-006
- Acceptance of Permanent Sewer Easement from Foriz Land Co., LLC re: parcel 21-22-400-008 & 009
- Acceptance of Permanent Sewer Easement and Construction Agreement re: parcel 21-27-200-001
- Acceptance of Permanent Sewer Easement from Howard George & Betty J. Hendrian, Trustees of the Hendrian Living Trust re: parcel 21-27-100-009
- Acceptance of Permanent Sewer Easement from Roger & Janis James re: parcel 21-27-100-007
- Acceptance of Permanent Sewer Easement from South Lyon, Michigan Congregation of Jehovah's Witnesses re: parcel 21-27-100-017
- Acceptance of Permanent Sewer Easement from the Charter Township of Lyon re: parcel 21-27-100-026
- Acceptance of Permanent Sewer Easement from David & Alta Moore re: parcel 21-27-100-003
- Acceptance of Permanent Sewer Easement from Park Place Environment re: parcel 21-23-400-009
- Acceptance of Revised Grant of Permanent Easement fro Sanitary Sewer, Municipal Public Services and Public Utilities from WoodWind Development, LLC re: parcel 21-22-300-055
- Acceptance of Stipulated Order Vesting Title of Easement in Township of Lyon, Requiring Payment of Escrowed Funds, and Requiring Surrender of Possession of Property and Consent Judgment (G. Matei) re: parcel 21-27-100-020
- Acceptance of Stipulated Order Vesting Easement in Township of Lyon, Releasing Estimated Just Compensation and Surrendering Possession of Property and Judgment on Case Evaluation (Whitney) re: parcel 21-27-100-015
- Acceptance of Permanent Sewer Easement and Temporary Construction Easement from Excavation Engineering, Inc. re: parcel 21-29-426-015
- Acceptance of Permanent Sewer Easement and Temporary Construction Easement from Griswold Property, LLC re: parcel 21-29-426-015
- Acceptance of Permanent Water Main Easement, Sanitary Sewer Easement and Temporary Construction Easement from Hutto Family, LLC re: parcel 21-33-151-001
- Acceptance of Permanent Sewer Easement and Temporary Construction Easement from D.T. Litz, LLC re: parcel 21-29-426-012
- Acceptance of Permanent Sewer Easement from the Charter Township of Lyon re: parcel 21-23-300-010
- Acceptance of Permanent Sewer Easement and Temporary Construction Easement from John & Linda Measel re: parcel 21-29-426-011
- Acceptance of Permanent Sewer Easement and Temporary Construction Easement from Proto-Techniques, Inc. re: parcel 21-29-426-002
- Acceptance of Permanent Sewer Easement from Mark & Lori A. Skrelja re: parcel 21-28-100-051
- Acceptance of Permanent Sewer Easement from Alexandru A. & Theresa Szecsku re: parcel 21-28-100-048,049 & 050
- Acceptance of Permanent Sewer Easement and Temporary Construction Easement from J & T Property Holdings, LLC re: parcel 21-29-426-007
- Acceptance of Permanent Sewer Easement from Van Oyen Development, LLC re: parcel 21-28-100-034
- Acceptance of Permanent Sewer Easement from Raymond A. & Irene W. Raney as Co-Trustees and the Raney Trust Agreement re: parcel 21-28-200-018
- Acceptance of Grant of Permanent Sewer Easement from Republic West, LLC for parcel 21-03-127-005
- Acceptance of Grant of Permanent Water Easement from Republic West, LLC for parcel 21-03-127-005

- **Acceptance of Amended Bill of Sale for Water Line from Copperwood RD, LLC**
- **Acceptance of Amended Bill of Sale for Sewer Line from Copperwood RD, LLC**

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

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

Motion approved.

5. ANNOUNCEMENTS AND COMMUNICATIONS

a. Oakland County Drain Commissioner, John McCulloch – Presentation on Asset Management

Mr. McCulloch gave a brief presentation on CAMS (Asset Management)

Mr. Young asked if there were any other announcements or communications.

Ms. Johnson thanked Sgt. Mark Venus, Deputies James Henderson, Jerry Petrusha and Todd Wood for helping Richard, the Township Maintenance Man, in getting the cemetery sign back up.

6. CALL TO THE PUBLIC NONE

7. APPROVAL OF AGENDA

The following issue was added to the agenda:
 - 8a. Resolution Determining Necessity

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

Voice Vote: Ayes: All
 Nays: None

Motion approved.

8. PUBLIC HEARING – East Lyon Center Drive Special Assessment District

Jim Sharpe, Township Engineer, explained the proposed project.

Mr. Hick moved to open the public hearing for the East Lyon Center Drive Special Assessment District. Ms. Johnson seconded the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Dana Kittridge, 56230 & 56200 Grand River, indicated that he received notification that his parcels are included in this SAD. It was determined that his properties do not touch the proposed ring road, therefore, his properties are not included.

Sean Havera, Lyon Gateway, 30180 Lyon Towne Center Drive, commented on the SAD and indicated that he is not in favor of this.

Ms. Johnson noted that they received two letters of objection today regarding this SAD, DJ Brick and Community Choice.

Mr. Young closed the public hearing at 7:28 PM.

8a. Resolution Determining Necessity

Mr. Cash moved to approve the resolution determining necessity of improvements and special assessment district for the East Lyon Center Drive paving improvement special assessment district in the amount of \$10,710,000. Mr. Roberts seconded the motion.

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

Motion approved.

9. UNFINISHED BUSINESS

a. Donahee Farms Request for Roadside Stand for Product Sales – Reconsideration Approval at the April 24th Special Meeting

Duke Donahee briefly explained what he is proposing.

The following commented in favor of this issue:

- Penny McIlrath, 9008 Glenwood Lane, Salem
- Linda Moorhead, 7212 Angle Road, Northville
- Wendy Feskorn, 6450 Six Mile Road, Salem
- Laura Spearman, 20871 Greenbriar, South Lyon
- Dana Kittridge, 56230 & 56200 Grand River, New Hudson

The Board discussed this issue and several Board members commented. Mr. Young noted that they need to address the \$500 fee that was refunded to Mr. Donahee and the dates requested for the stand. It was noted that the dates requested are from May 1, 2008 through pumpkin season, November 1, 2008.

Mr. Hicks moved to approve the Donahee Farms roadside stand at 23750 Pontiac Trail subject to the conditions of the McKenna Associates, Inc. letter of April 3, 2008. The applicant must obtain approval from the Building Department for a sign, the facility shall be operated as specified in the application, gravel shall be brought in to fix the pothole at the entrance, and the \$500 application fee will be necessary and paid to the Township. Ms. Johnson seconded the motion.

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

Motion approved.

b. Appointment of Fire Chief

Mr. Young stated that because of Chief Cash's pending retirement in July, 2008, it was necessary to go through the process of finding a new Fire Chief. He stated that Ron McClain and his family is in the audience this evening and the Board is here to consider appointing him as Fire Chief.

Mr. Hicks moved that the Lyon Township Board of Trustees hire Ron McClain as the Lyon Township Fire Chief with a starting date of June 2, 2008 to work with Chief Cash until his retirement on June 30, 2008. On July 1, 2009 Ron McClain will assume the full role and responsibility as Lyon Township Fire

Chief subject to the following conditions:

A letter of employment will be extended to Ron McClain to become an "At Will" employee subject to the Lyon Township Personnel Manual except for the variances and additions listed:

Ron will be offered 10 days vacation for the first year of employment. Beginning the second year through the sixth year; 15 days per year will be offered. Thereafter, vacation days will accrue according to Section 7.2 of the Personnel Manual.

Ron will receive three personal days for 2008 and then beginning January 1, 2009, personal days will accrue according to Section 8.2 of the Personnel Manual.

Health insurance, according to Section 10.2, will not be offered.

Additionally, a starting salary of \$75,000 dollars per year will be offered with annual increases as determined by the Township Board.

A command vehicle will be provided and equipped from the Township's existing fleet of vehicles.

A review of the Fire Chief's performance by the Board will take place at 90 days of employment, at six months of employment and then once per year thereafter.

Mr. Cash seconded the motion.

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

Motion approved.

Ron McClain thanked the Board for their support and confidence. He promised the Board that he will do the best job that he possibly can and that he won't let the Board down.

c. Planning Commission Appointment

Mr. Young indicated that this appointment is to replace Laura James, who is moving on to write a book.

Mr. Young moved to appoint Lise Blades to the Planning Commission to complete the current term of Laura James, which is a three year term expiring November 30, 2010. Mr. Hicks seconded the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

d. Consideration of Buy Back Agreement for Sewer & Water Requested by Bob Saks

Ms. Zawada reviewed the information in the Giffels-Webster Engineers letter dated April 28, 2008 regarding this issue.

There was discussion regarding pay back agreements and how they work. Ms. Carcone suggested that she get together with Ms. Zawada to work on this and bring it back to the Board. Kevin Mechigian, Bob Saks, indicated that he would be willing to pay for the Consultant's time.

Ms. Carcone moved to work on a pay back ordinance for Bob Saks with the help of Ms. Zawada and if necessary, Mr. Quinn. Mr. Roberts seconded the motion.

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

Motion approved.

e. Proposed Revisions to Engineering Standards

Ms. Zawada reviewed the recommended changes by Giffels-Webster Engineers.

Mr. Cash moved to approve the proposed revisions to the engineering standards. Mr. Hicks seconded the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

f. Proposed Amendments to Senior Housing Regulations

Mr. Quinn reviewed the proposed amendments. He noted that this is the second reading.

Mr. Hicks moved to approve the second reading of the amendments to Section 19.03, Housing for the Elderly. Mr. Roberts seconded the motion.

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

Motion approved.

g. Proposed Revisions to the Noxious Weeds Ordinance

Mr. Quinn reviewed the proposed revisions. He noted that the Towne Center Overlay District will be added to this. He noted that a motion to amend this ordinance to consider this as the first reading. It will be brought back to the Board at the next meeting for the second reading.

Mr. Hicks moved to adopt the second reading of the resolution establishing Article VII, Noxious Weeds and Tall Grass to Redefine the Properties that are required to cut Noxious Weeds and Tall Grass by Amendments to Section 18-313. Mr. Hemker seconded the motion.

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

Motion approved

h. Newly Elected Official Wage Resolution

Discussion regarding this issue began with comments from each of the Board members as to how they felt about this issue.

Ms. Johnson felt that it was a conflict of interest for Mr. Cash to comment on this issue who will possibly stand to directly benefit from this. It was noted that Michelle Cash, Dan's wife, is running for the Clerk 's position.

Ms. Johnson moved to have Dan Cash abstain from comment on this issue. Mr. Roberts seconded the motion.

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

Motion failed.

Discussion continued. The following residents also commented on this issue:

- Jim Chuck, 25365 Stanley Lane
- Robert Smith, 21845 Lyon Meadow Court
- Laura Spearman, 20871 Greenbrier

Mr. Hemker moved to adopt the resolution establishing salaries for township positions. Ms. Johnson seconded the motion.

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

Motion failed.

i. Determination of Supervisor Position

Mr. Young gave as brief overview of this issue. Discussion began with comments from the Board and comments from the following residents:

- Robert Smith, 21845 Lyon Meadow Court

Mr. Cash moved by resolution to establish the position of Township Supervisor as full time adopting this resolution on the form provided. Ms. Carcone seconded the motion.

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

Motion approved.

10. NEW BUSINESS

a. Fire Works Application from Walnut Creek County Club

Ms. Johnson noted that the applicant could not attend the meeting tonight but wanted the Board to still vote on their application. She noted that this will be a private display for the club's members and will not be open to the public. Mr. Quinn noted a couple changes than need to be made:

1. On the permit for fireworks display, State Police Form, the City of South Lyon should be changed to read Township of Lyon.
2. On the certificate of liability insurance, the Township should be named as a certificate holder also.

Mr. Cash moved to approve the fireworks application for Walnut Creek Country Club including the changes made by the Board. They must also comply with the International Fire Code that the Township has adopted. Ms. Johnson seconded the motion.

Voice Vote: Ayes: All
 Nays: None

13. EXECUTIVE SESSION REGARDING PENDING LITIGATION & PROPERTY ACQUISITION

Supervisor Young adjourned the meeting at 10:05 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary

Pamela Johnson
Clerk