

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
February 2, 2009

Approved: March 2, 2009 as revised

The meeting was called to order by Supervisor Young at 7:03p.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: 15

Also Present: Michelle Aniol, McKenna Associates
Leslie Zawada, Giffels-Webster
Matthew Quinn, Township Attorney

APPROVAL OF CONSENT AGENDA

Mr. Quinn noted that Ms. Zawada's company needed to reflect Giffels-Webster in the minutes.

Approval of Regular Meeting Minutes of January 5, 2009

Approval of Special Meeting Minutes January 15, 2009

Approval of Disbursements

Building Department Report for December 2008

Building Department 2008 Annual Report

Fire Department Reports for December 2008

Zoning Report for December 2008

Engineer Status Report for December 2008

Acceptance of Bill of Sale for Water Line from Lyon Center Properties, LLC for the Hyundai Dealership

Accept Temporary Grading/Construction Easement from Katie Torakis, Trustee, under Trust Agreement with Katie Torakis, Settlor, dated June 12, 1980, an undivided ½ interest, and Michael Torakis Successor Trustee, under Trust Agreement with Andrew Torakis, Settlor, dated June 12, 1980, an undivided ½ interest, as tenants in common for Parcel No. 21-31-200-003.

Accept Temporary grading/Construction Easement from the Lois A. Smith Trust U/T/D March 4, 1987 for Parcel No. 21-32-300-005.

Accept Temporary Grading/Construction Easement for the Estate of Alonza Noricks also known as Alonzo Noricks, deceased, Hollie Lynn Carroll, Personal Representative regarding Parcel No. 21-31-200-004.

Accept Temporary Grading/Construction Easement for Mark E. Maynard and Paula C. Maynard for Parcel No. 21-31-427-031

Accept Temporary Grading/Construction Easement for Maurice R. Goldschmidt, Jr. for Parcel No. 21-31-427-032.

Accept Temporary Grading/Construction Easement for Daniel Pieczulewski and Jo Ann Pieczulewski, husband and wife and Johnna Scheffer regarding Parcel No. 21-31-200-005.

Accept Temporary Grading/Construction Easement for Diane M. Robert for Parcel No. 21-31-427-036.

Accept Temporary Grading/Construction Easement for Tom P. LLC No. 5 for Parcel No. 21-31-400-018.
Accept Temporary Grading/Construction Easement for Thomas Duncan and Joanne Duncan for Parcel No. @1-32-100-063.
Accept Temporary Grading/Construction Easement for Paul Simon and Antonia Simon for Parcel No. 21-32-100-041.
Accept Temporary Grading/Construction Easement for South Lyon Church of Christ for Parcel No. 21-32-100-052.
Accept Highway Easement from Picture Your Profits, Inc. for Parcel 21-31-400-037.
Acceptance of Grant of Permanent Water Main Easement from Milford Road East Development Associates, LLC for Parcel 21-03-151-027 which is Unit 7 of Lyon Towne Center North Retail Condominium
MAMC Institute March 8-13, 2009

**Motion by Dolan, second by Hicks
To approve the Consent Agenda as revised.**

**Roll Call Vote: Ayes: Hicks, Carcone, Fletcher, Young, Cash, Dolan,
Hemker**

Nays: None

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Young announced that the Building Industry Association of Southeastern Michigan awarded Mr. Al Hogan the Thomas Ricketts Award to the Regions Outstanding Building Official honoree for 2008.

Chief McClain reported about the need to improve the radio system in the Township. He also reported that there was work being done on a cost recovery ordinance that all municipalities can sign onto in Oakland County and he requested the approval of the Board to advertise for new recruits. He explained that they would be requiring more experienced recruits.

Supervisor Young announced that the Township received notification that Elk Run street can be barricaded off.

Ms. Carcone announced that assessments are in the mail and they are expecting a 7-12% decrease. She also reported that a group of them attended the MTA conference that offered various classes and it was a successful week for them.

Mr. Hicks confirmed that the Township has signed up for the Taste and Business Expo on March 15, 2009.

Holly Teasdale, Director of the Library, gave a brief presentation that highlighted the state of the library. She announced the offering of MeLCat which was a library cooperative. She also announced the new library logo, online programs, calendar, and a loan program for Abbey Park and preschools. She reviewed the UMS collection agency program, QSAC and that there was a new microfilm reader/printer and scanner available for use.

Jim Chuck introduced the Library Board that was in attendance. He compared the area

millages and the library director salaries in the Wixom and Milford area. He also reviewed a list of accomplishments since 2005 and briefly reviewed plans for 2009.

Jeff Potter announced that they are bracing for a 12-14% loss of taxable values in the area and he would get a copy of the report to the Township.

Mr. Hicks announced that the Township would be holding a charrette on February 6 & 7 from 9:00 a.m. to 8:00 p.m. to gather input about how the new downtown should look.

CALL TO THE PUBLIC

Shirley Baker - She asked if the Township was going to reorganize the offices and buy new furniture to please pass on the used furniture to the library.

Maureen Quinn, 57246 Elk Run – Thanked the Board for closing Elk Run.

Dawn Kaplan, 26744 Elk Run –Thanked the Board for acting on the closure of Elk Run.

APPROVAL OF AGENDA

Supervisor Young added advertising for new recruits, Elk Run barricade, and a brief discussion regarding the Community Center update. Mr. Quinn requested the addition for a resolution to property acquisition for the Grand River east roundabout storm drainage approvals. Mr. Quinn also noted that under Executive Session it should also read pending litigation.

**Motion by Hicks, second by Carcone
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)

Ms. Zawada 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 the next regular meeting.**

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

MOTION APPROVED

B. Second Reading and Adoption of the 2009 Amendments to Assault and

Battery Ordinance

Mr. Quinn explained that this would assist the police in this particular area and it was in the proper form for approval and adoption.

Motion by Hicks, second by Cash

To approve the Second Reading and Adoption of the 2009 Amendments to the Assault and Battery Ordinance.

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

MOTION APPROVED

C. Second Reading and Adoption to Noise Ordinance Amendments

Mr. Quinn explained that the Board had directed McKenna Associations to modify the ordinance as it pertained to the Sewer Treatment Plant and the change was made under the exemption area. It exempts any sound made by a properly operating public facility. This would be added to the Zoning Ordinance.

Mr. Hemker raised concerns regarding ambient noise. The Board agreed that it was vague. Mr. Quinn stated that they would review this in more detail and come back at the next meeting.

Motion by Carcone, second by Cash

To table the Second Reading and Adoption to Noise Ordinance Amendments until the next regular Board meeting with further clarifications from the Township Attorney and Planner.

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

MOTION APPROVED

NEW BUSINESS

A. Text Amendments to allow Nursing Homes and Convalescent Homes

Ms. Aniol reviewed the memo from McKenna Associates dated January 8, 2009.

The Board discussed concerns regarding screening, the proximity to neighbors, traffic issues and questioned restricting it to a minimum of 3 acres and if they wanted to allow this type of use in a R-1.0 zoning district. After discussion the Board concluded that they would like to send it back to the Planning Commission for revision.

Chief McClain also raised the concern regarding the amount of runs that the Fire Department does to these types of facilities. He would ask that they require properly trained staff who are

trained to help the residents without public assistance.

Motion by Carcone, second by Fletcher

To return the Text Amendments to allow Nursing Homes and Convalescent Homes to the Planning Commission for revision for Board comments.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

B. AP-08-26 Lyon Technology Associates, LLC – Proposed Rezoning

There was no applicant in attendance for this agenda item.

Motion by Fletcher, second by Carcone

To table until the March meeting and have person that was requesting this be present and make a presentation.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

C. Credit Card Use Policy Resolution

The Board expressed concern about needing to place a dollar limit on the cards and to broaden the policy with the correct financial controls and to include all credit cards that the Township has.

Motion by Carcone, second by Hemker

To table the Credit Card Use Policy Resolution until the next regular meeting.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

D. Resolution of Property Acquisition for Pontiac Trail Road Improvements

Mr. Quinn explained that he has included properties within this Resolution that have not yet signed either their Temporary Construction Easement or Permanent Right-of-Way Easement. He also included a list of the properties that have signed and those which are included in this Resolution effective as of January 10, 2009. He commented that the cooperation of the residents there has been outstanding.

Motion by Hicks, second by Cash

To adopt the Resolution of Property Acquisition for Pontiac Trail Road

Improvements.

Roll Call Vote: **Ayes: Carcone, Fletcher, Young, Cash, Dolan, Hicks**
Nays: Hemker

MOTION APPROVED

E. Chronology of Events Regarding 57440 Ten Mile Road Parcel No. 21-21-400-050

Mr. Quinn stated that this seeks to begin circuit court litigation for a nuisance issue if the Township and property owner cannot come to a resolution. Mr. Quinn reviewed the chronology of events. This has never been a legal use other than for residential purposes. They have no right to run any storage or repair business on that site. They are not even a legal non-conforming use and have never been legally allowed to use the property as it has been used for all of these years. This has been brought to the attention of the Township through complaints of surrounding property owners through the Building Official and Mr. Young.

Some Board members raised concerns as to why this was being brought forward now after such a long time. Supervisor Young explained that it was driven by the increase of the illegal use. ~~to the point it has become a public nuisance.~~ Some of the Board members wanted to know who complained.

It was decided that Township Attorney would send a letter and advise the property owner of the violations and request that he contact the Supervisor to set up a meeting at the Township Hall within the month.

F. AP 08-27, Text Amendment to Section 33.02 of the Zoning Ordinance to permit Automobile Repair Garages in the I-2 District

Ms. Aniol reviewed the McKenna Associates memo dated January 13, 2009. The Planning Commission held a public hearing on this proposed text amendment and there was no public comment. The Planning Commission then recommended that the Township Board amend Section 33.02 sub-section N, of the Zoning Ordinance, Table of Permitted Uses, to allow automobile repair garages, including minor and major repair, as a Class 1 Special Land Use in the I-2 district.

Concerns were raised regarding outside storage. Ms. Carcone expressed that people had to have places to get their cars fixed that were affordable.

Motion by Carcone, second by Dolan
To approve the first reading AP 08-27, Text Amendment to Section 33.02 of the Zoning Ordinance to permit Automobile Repair Garages in the I-2 District

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

G. Resolution Terminating the East Lyon Center Drive Paving Improvement SAD

Mr. Quinn explained that this resolution will allow the Township to terminate the East Lyon Center Drive Paving improvement Special Assessment District process. They have received some objections from some of the property owners expressing that they are not going to get the benefit of their assessment. Another factor to be considered was that the proposed Special Assessment District assessments have had an adverse impact and have complicated the condemnation process in the Township's attempt to purchase the necessary rights-of-way for the ring road construction. The DDA will have more than enough funds to handle the payments of this road.

Mr. Quinn explained that if the federal government money becomes available for road improvements in a timely fashion for this year, this project, since it's already been designed and was ready to go would be at the top of the list for infrastructure improvement. There was no guarantee that they would get a portion funded by federal dollars but at least there was a good opportunity to do so. By terminating this SAD they are saying that all of the funds would be coming from the capital improvement bonds and paid by the DDA over a 20 year period.

Motion by Carcone, second by Hicks

To resolve to terminate the East Lyon Center Drive Paving Improvement SAD.

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

H. Advertise for New Recruits

Ms. Carcone asked how many more recruits Chief McClain was looking for. Chief McClain stated that he would like to be 30 or under.

Supervisor Young asked if requiring EMT experience would create a problem with finding recruits? Chief McClain explained that he preferred to hire someone with the experience already and if not then he would have to train them. There was brief discussion regarding where the advertisements should be placed. Chief McClain stated that this was within their budget.

Chief McClain reported on a proposal that he was placing before the Board regarding loaning out turn out gear. Ms. Carcone explained that this item was not on the agenda and they needed time to review it.

Supervisor Young asked that the Board review it and it would be on next months agenda as an

action item to adopt.

I. Possible Action of the Elk Run Barricade

Supervisor Young explained that he would contact Oakland County and find out what the cost was to barricade the road. There was consensus among the Board members to allow Supervisor Young to begin the process and come back to get approval.

J. Resolution to Property Acquisition for the Grand River East Roundabout Storm Drainage Approvals.

Mr. Quinn explained that the engineers have determined that they need to drain the water off of the Grand River Ring Road area and it needs to go through a portion of the Roerscheib property to the south. They would like to have the resolution to acquire the property necessary as determined by the engineers.

**Motion by Hicks, second by Carcone
To adopt the Resolution for Property Acquisition for the Grand River East Roundabout for storm drainage improvement specifically on the Roerscheib property.**

Roll Call Vote: **Ayes: Cash, Dolan, Fletcher, Hemker, Hicks, Young, Carcone**

Nays: None

MOTION APPROVED

K. Discussion on Community Center Update

After discussion the Board concluded that the library should go forward and complete the in depth study to find the exact cost. Ms. Carcone expressed that if they were going to do this she would like to see it done this year and get it done with. She was very concerned with the taxable value numbers that are going to come back.

ADJOURNMENT INTO EXECUTIVE SESSION

**Motion by Carcone, second by Hemker
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 9:32 p.m.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash
Clerk