

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

Approved: April 6, 2009 as written

The meeting was called to order by Supervisor Young at 7:00 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
Leslie Zawada, Giffels-Webster
Matthew Quinn, Township Attorney

APPROVAL OF CONSENT AGENDA

Approval of Regular Meeting Minutes of February 2, 2009
Approval of Disbursements
Building Department Report for January 2009
Fire Department Reports for January 2009
Zoning Report for January 2009
Engineer Status Report for January 2009
Sheriff's Tri-annual Report
Lyon Township Community Park Pavilion Use For the Spark Plugs Car Club
Lyon Township Community Park Pavilion Use For the South Lyon Area Armature Radio Club
Acceptance of Temporary Grading/Construction Easement from Rugiero Brothers, LLC for the Property located at 21-31-400-036
Acceptance of Temporary Grading/Construction Easement from Enrica Rugiero, Trustee of the Antonio Rugiero Revocable Trust and Enrica Rugiero as Trustee of the Enrica Rugiero Living Trust, as tenants in common for Property at 21-31-400-034
Fire Dept. Loaning Turnout Gear- Rules & Regulations

Mr. Fletcher had some questions on some of the disbursements and asked that those be removed for further discussion.

Mr. Dolan questioned if more information should be added to the minutes regarding item E. It was decided to keep them as they were submitted. Supervisor Young asked that a phrase be

struck from the minutes. The Recording Secretary made that revision.

**Motion by Fletcher, second by Carcone
To approve the Consent Agenda with the change to the minutes and the removal of
the disbursements and added as item 10.**

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

Nays: None

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Hugh Crawford, State Representative presented Al Hogan with the Thomas Ricketts Award for 2008 for the Regions Outstanding Building Official.

Mr. Hicks reminded everyone that the Taste and Expo will be held on March 15, 2009. Also, Lyon Township will be 175 years old on March 7, 2009.

Ms. Carcone reported that March 2, 2009 was the last day to pay taxes and if anyone has not done so there would be a 5% penalty added on.

Holly Teasdale handed out a 2008 Annual Report to the Board and explained it was also available on the website and hard copies were available at the library.

Courtney Petrowski from McKenna Associates gave an update of the Charette that was held at the Township Hall.

CALL TO THE PUBLIC

John Bell – He expressed the need for volunteers for the Kite Festival that has been planned.

Norm Fultz –He explained that he owned the property at 57440 Ten Mile. He purchased the property and it was known as Country Collision. The purpose of continuing the use of the body repair, towing and storage business that has been in use since 1966. There were no justifiable complaints against this property that he was ever made aware of with any of his neighbors. The main neighbor that was mentioned at the last meeting supplied him with the letter that was written to the Township stating that he was not protesting anything that was being done on that property which was dated January 2009. He has always highly maintained the property, there were no problems. The towing lot has very low visibility and it was all contained within a fenced in lot. The main thing, before he bought the property he came to the Township with the Purchase Agreement and he was assured that this continued operation would be permitted. He purchased the property in 2000 and he has not had any problems in 9 years. He would not just close up and go out of business. He was willing to meet with anyone to resolve this. He does not have a way out; costly litigation would be a very negative option. The present economy was not something many of us have ever seen and to put more

employees out of work was not a good idea. He requested this be put on the agenda if it comes down to a vote. He would fix any complaints if there were any.

Resident of Lyon Township – He expressed that he has been getting cars repaired there since the 1960's. He spoke to Larry Phillips and Norm did come to him. He worked hard to get credibility behind his name and he does not support just anyone. He believed in what Mr. Fultz was doing and he sees nothing wrong. He drove by today and could see nothing.

Carol Levitt – She explained the issues that she has been having with her neighbor where he has bulldozed trees between his pole barn and her hill. He then placed boulders to hold their land up and added gravel. This has caused various problems with the water. They have had trees die. She was concerned with the amount of commercial material that was being stored on the property and the home occupation use on the property she said that he does have employees. She asked that a civil engineer look into the water so that it was taken care of. She thanked Mr. Hogan for his responses.

APPROVAL OF AGENDA

Mr. Quinn asked for the addition of the Intergovernmental Agreement with South Lyon.

**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 still waiting for information. Mr. Quinn stated that it could be removed from the agenda until Giffels-Webster notifies the Township to move forward.

**Motion by Carcone, second by Hemker
To remove Bob Saks Pay Back from the agenda until Giffels-Webster notifies the Township that they have appropriate information to bring forward.**

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

MOTION APPROVED

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

Mr. Doozan referred to the McKenna Associates memo dated January 8, 2009. Mr. Doozan

stated that they recommend that the Board of Trustees recommend approval of AP- 08-26, Lyon Technology Associates, LLC, proposed rezoning, from I-1 Light Industrial, to RO, Research Office.

Mr. Evangelista explained that they have been approached by some medical users to possibly go into this location and it makes a good transition to the downtown area.

Motion by Hemker, second by Hicks

To approve as the first reading AP-08-26 Lyon Technology Associates, LLC rezoning of the 2.6 acre parcel from I-1, Light Industrial to RO, Research Office.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

C. Credit Card use Policy Resolution

Mr. Quinn stated that he obtained additional information from the staff at the Township Hall to outline the four specific credit cards that the Township has as well as the 12 house accounts that the Township has with the listed businesses. The Township Clerk and Supervisor would still be responsible for reviewing all of the receipts/invoices that come in. When any employee turns in a slip that employee would need to sign or initial. If there are violations of the rules the Township can take appropriate action.

Mr. Dolan suggested using purchase orders instead of the house accounts. The Board decided to form a sub committee in order to investigate other options such as purchase orders.

Mr. Fletcher suggested drafting a letter and canceling all of the house accounts that are not being used.

Motion by Hicks, second by Carcone

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

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

Motion by Carcone, second by Fletcher

To form a subcommittee with regard to the Credit Card Policy consisting of Matt Quinn, Patricia Carcone, Michele Cash and Chief McClain.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

D. Second Reading of Ordinance Agreement regarding Automobile Repair Garages in the I-2 Zoning District

Mr. Quinn explained this was the second reading and it was ready for final approval.

Motion by Hicks, second by Carcone

To adopt the resolution to allow auto repair in the I-1 and I-2 industrial districts.

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

Nays: None

MOTION APPROVED

NEW BUSINESS

A. AP-07-33, Rezoning of Hidden Ponds Planned Development to R-1.0, Residential-Agricultural (parcels 21-10-400-015, 21-10-400-015, 21-10-400-015, and 21-10-400-015)

Mr. Doozan referred to the McKenna Associates memo dated February 10, 2009 and stated that they believe there are valid reasons to rezone the subject property from PD to R-1.0. Foremost is the fact that the PD zoning has been dormant for eight years, and even the minimum requirements of recording the PD Agreement have not been addressed. Furthermore, as required by Ordinance, a new phasing plan has never been submitted when the project did not start after 24 months. Meanwhile, the presence of the PD zoning gives the perception of higher density zoning than really exists on the land.

They also believe the rezoning is valid because the R-1.0 zoning is consistent with the Master Plan, and with the zoning and existing land use on surrounding properties.

Consistent with the Planning Commission's unanimous recommendation, they recommend that the subject property be rezoned from PD, Planned Development to R-1.0 Residential-Agricultural.

Motion by Hicks, second by Cash

That this was the first reading of AP-07-33 to rezone Hidden Ponds from PD to R1, Residential Agricultural and the four parcels mentioned in the McKenna Associates letter dated February 10, 2009.

Ms. Cash questioned how Mr. Huszti would resolve Ms. Crowley's problem. Mr. Quinn explained that this would be a private matter between the property owners.

There was discussion as to how the Township can recoup the funds. Mr. Quinn explained that the Township would need to bring action against Mr. Huszti.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

B. Lyon Township Grinder Pump Contract

Ms. Zawada stated that the current grinder pump contract would expire later this month. C&E Construction Company was willing to hold their prices for an extension and they have performed well under the contract. The Township has one contractor install the grinder pumps because under the Township's Utility Ordinance, the Township is responsible to maintain those pumps and they become part of the public system. This provides consistency.

Supervisor Young recommended that they keep the same proven contractor especially since they will hold their prices.

There was brief discussion as to whether it should go out for bid.

Motion by Carcone, second by Cash

To approve the existing contract with C&E Construction Company to install all of the grinder pumps for Lyon Township for an extension of 2 years beginning March 21, 2009.

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

Nays: None

MOTION APPROVED

C. Water System Wellhead Protection

Ms. Zawada stated that the DEQ has a grant program which helps local governments establish a Wellhead Protection Plan. The purpose of the plan was to protect the water system from contamination. One of important parts of the plan would be to delineate the Woodwind Well aquifer which has not been completed. This process would also include surveying the water around the well and a computer modeling to establish the aquifer boundary. Grant funds are available which would match Township's contributions.

Mr. Sweatman gave an overview of the Wellhead Protection Program. He also explained educating the public on how they can keep the water safe.

Mr. Hicks wondered about the Woodwind aquifer that was adjacent to Hass Lake Park, they are expanding and he noticed that there was a public notice that they are applying for a discharge permit. Mr. Sweatman stated that they are not connected to the sanitary sewer system and they had a small seasonal discharge that was there and if it was expanding then they would have to go through and get a permit from seasonal to year round.

There was discussion as to if they wanted to establish a Wellhead Protection area and spend the money to delineate the Woodwind Well and apply for the grant not to exceed \$3,000.00. They would be looking at about \$24,000.00 if the grant was approved. Mr. Sweatman stated that the plan was done one time as is the delineation.

Mr. Fletcher stated that he would want to see a detailed list as to where the money would go. Ms. Carcone explained that she did not want to spend any money right now until the special assessments came in; this was not a budgeted item. Ms. Zawada suggested keeping it on the "to do" list.

Jim Chuck questioned when Ms. Carcone would have the information for the special assessments and he felt this was an important project but it needed to be a budgeted item.

Motion by Carcone, second by Cash

To deny the item for 2009 but to look at it in the 2010 budget.

Voice Vote: Ayes: 6

Nays: Hicks

MOTION APPROVED

Supervisor Young called for a short recess at 8:50 p.m.

Supervisor Young called the meeting back to order at 9:00 p.m.

D. Park Restroom Bid Package

Supervisor Young reviewed the prices for the restroom bid package. Mr. Hemker asked how the bidders were picked. Supervisor Young explained that they tried to use local companies or companies that would use local people. Supervisor Young also explained that a sewer tap was needed at a price of \$10,231.00. This was budgeted at \$120,000.

Motion by Carcone, second by Hicks

To approve the Park Restroom project to award the bid to Associated Construction Services with a not to exceed \$110,000 with the Supervisor signing the contract and overseeing the project.

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

Nays: None

MOTION APPROVED

E. Consider Midwest Pension for GASB Requirements

Supervisor Young explained that they are required to forecast what their actual costs are going to be annually based on the employee base. They have to project what the pension cost would be for the employees.

Mr. Hemker stated it was potentially for retiree health care. GASB was passed several years ago for corporations and it was now required for them.

Mr. Quinn explained that Mr. Hemker was acknowledging that as an owner of the Midwest Pension Actuaries, Inc., this would be a conflict of interest. Mr. Hemker gave his notice of the conflict of interest and they can consider it at the next meeting. It will be placed on the agenda

at the next meeting and Mr. Hemker will not be voting on it.

F. South Lyon Request for Joint Services

Supervisor Young referred to the letter from South Lyon dated February 10, 2009 to consider if there was any interest between the communities to take advantage of the Oakland County's Capital and Cooperative Initiatives Revolving Fund (CCIRF).

There was brief discussion regarding the history of discussions between the communities.

Chief McClain asked that they investigate this if it could improve services to Lyon Township.

The consensus of the Board was that Supervisor Young would meet with Dave Murphy and explain that they are not interested in police services but they would investigate entering into an agreement with fire services.

G. Crystal Creek Road Barricade

Supervisor Young verified that Ivanhoe was willing to put a temporary close on Elk Run. The problem was figuring out how to barricade the road with varying prices up to \$2500.00. Signage would also be needed.

Mr. Dolan suggested using a break away gate.

Supervisor Young will bring this back at the next meeting with prices. Mr. Fletcher suggested using a not to exceed price since the residents have been waiting on this for so long. Mrs. Quinn stated that they were willing to pay for it in order to get it done, they will do anything. They figured that they have to pay for it themselves; they would take up a collection in order to pay for it. Supervisor Young stated that they would talk with the residents this week and pin it down.

H. Resolution Adopting the National Incident Management System

Supervisor Young explained that this resolution was required by Oakland County to adopt the National Incident Management System.

Motion by Hemker, second by Dolan

To adopt the resolution adopting the National Incident Management System

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

Nays: None

MOTION APPROVED

I. Amendment to Chapter 32, Peddler, Canvassers and Solicitors

Mr. Quinn explained that this was the first reading of the amendment to the Peddlers Ordinance which gives the Clerk more specific direction to reject any applicant that has been convicted within the last 10 years of any violation of federal, state or local ordinance which negatively reflects upon the applicant's ability to conduct the business for which the license is being sought in a professional, honest and legal manner. Such violations include but are not limited to burglary, theft, larceny, embezzlement, swindling, fraud, any offense that requires registration on any sexual offender's list, unlawful business practices and any other form of actual or threatened physical harm against any person, or a conviction for an attempt of any of the foregoing; or the applicant has any outstanding warrants for any crime.

Motion by Hemker, second by Fletcher

To adopt the amendment to Chapter 32, Peddler, Canvassers and Solicitors.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

J. Intergovernmental Agreement with South Lyon

Mr. Quinn explained that this would allow the fire departments to share the fire frequency. The Township would coordinate the DPW radios frequencies. The parties agree to divide equally after the merger all costs associated with maintaining the joint frequency. A 180 day notice would need to be given in order to terminate the agreement. The City has approved this.

Chief McClain explained that if this was approved they would begin migrating over to using their frequency for emergency responses. This was about 10 times cheaper than upgrading the current system; it was only a temporary fix. The cost was approximately \$600.00.

Motion by Hicks, second by Carcone

To adopt the resolution for the Intergovernmental Agreement with the City of South Lyon.

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

MOTION APPROVED

ITEMS REMOVED FROM CONSENT AGENDA FOR ACTION OR DISCUSSION

Mr. Fletcher asked if they can see the disbursements. Ms. Cash stated that she will provide those. Mr. Fletcher asked for clarification on miscellaneous reimbursements. Supervisor Young explained that he does go through those. Mr. Quinn explained those charges are when a 3rd party was being charged for his services through the Township.

Motion by Fletcher, second by Carcone

To approve the disbursements as presented.

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

Nays: None

MOTION APPROVED

ADJOURNMENT INTO EXECUTIVE SESSION

Motion by Hicks, second by Fletcher

To adjourn the regular meeting into recess and open the Executive Session.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

The Regular Meeting of the Board of Trustees was adjourned into Executive Session at 9:47 p.m.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash
Clerk