

Charter Township of Lyon  
Board of Trustees  
Regular Meeting Minutes  
May 4, 2009

Approved: June 1, 2009 as written

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

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

Absent: Patricia Carcone, Treasurer

Guests: 26

Also Present: Chris Doozan, McKenna Associates  
Matthew Quinn, Township Attorney  
Leslie Zawada, Giffels Webster  
Loren Crandall, Giffels Webster

Supervisor Young explained that Treasurer Carcone was ill and was excused from the meeting.

**APPROVAL OF CONSENT AGENDA**

Approval of the Special Meeting Minutes of March 31, 2009 of the Board of Trustees and the Downtown Development Authority

Approval of the Regular Board Meeting Minutes of April 6, 2009

Approval of Disbursements

Building Department Report for March 2009

Fire Department Reports for March 2009

Engineer Status Report for April 2009

Fire Department Permission to Hire Additional Paid On-Call Firefighters

Mr. Dolan asked that a McKenna Associates invoice be pulled to discuss further under item 10 on the agenda.

**Motion by Hicks, second by Cash  
To approve the consent agenda as amended.**

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

**Nays:           None**  
**Absent:         Carcone**

**MOTION APPROVED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

**John Bell** - He reported how successful the first annual Kite Festival was. There were 2,252 spectator visitors that participated in the event. The Board members congratulated Mr. Bell on his success and thanked him for his contribution.

**Jeff Potter** – He reminded the Board of the meeting that will be held on Monday at 7:00 at South Lyon City Hall. He asked for feedback regarding the golf use of Commissioners.

**CALL TO THE PUBLIC**

**Lise Blades** – She reported that Nathan Mueller, the reporter for the Herald, is being moved to another newspaper. She felt that this is a horrible decision and asked that everyone email the Editor.

She commented that he has been wonderful for the community and it would be a disservice to the community to let him go.

**Jim Chuck** – He commented on what a nice event the Kite Festival was and a great addition to the community. He also commented on Mr. Bell’s vision and congratulated him. He did not have an issue with the Commissioners using the golf course when it was investment spending for the community.

**Phil Strong** – He commented about the street light and questioned if it was being installed according to the Township ruling. He had requested a streetlight at an intersection that he felt required a streetlight but it was turned down because there was no policy on lights. He hoped that there was a policy now.

**Mike Teagan** – He raised the concern regarding blight/zoning regulations and he would like the Township to enforce those regulations. He requested to be placed on the agenda.

**APPROVAL OF AGENDA**

**Motion by Hemker, second by Fletcher**  
**To add item O for Mr. Teagan and approve the agenda as amended.**

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

**MOTION APPROVED**

**UNFINISHED BUSINESS**

**A. Noise Regulations**

Mr. Doozan reviewed the McKenna Associates memo dated April 16, 2009.

**Motion by Hicks, second by Dolan**

**To adopt the second reading of the Noise Ordinance Performance Standards, Section 20.02 Subsection A. to redefine noise, when noise disturbances are prohibited the exceptions from the ordinance and sound level measurements.**

There were concerns expressed regarding increasing the levels across the board. Mr. Doozan explained that the current levels are impractical and not reasonable and are not consistent with other communities. It did not make sense to have an ordinance in place that many of the businesses cannot comply with.

<b>Roll Call Vote:</b>	<b>Ayes:</b>	<b>Cash, Dolan, Hicks, Young</b>
	<b>Nays:</b>	<b>Hemker, Fletcher</b>
	<b>Absent:</b>	<b>Carcone</b>

**MOTION APPROVED**

**NEW BUSINESS**

**A. Stone Production Presentation for possible Movie Production**

**Representing Stone Production: George Constiss, 2399 Kanipp, Hamtramck**

Mr. Constiss explained that he graduated from Milford High School and left the state to pursue a career in film. The film industry has come to Michigan. He is working on a Robert DeNeiro, Edward Norton movie and they are potentially going to need a house to burn down. He understood there were houses on Cash Road that were set to be demolished. They use a professional burn company and are very experienced. They would also be working with the local Fire Department and Police Department. He is a liaison between the film community and the community and his job is to bring in as many movies to Michigan as possible. This would be a one night event.

Mr. Quinn explained the required legal issues that would be needed.

Mr. Dolan asked who would be responsible with the clean up and expressed his concern that the surrounding neighbors would need to be comfortable with this. Mr. Constiss explained that they have spoken with the Township about helping with the clean up since they were set to demolish the house anyway and because they are having an impact they want to make sure that they do their part to contribute to the clean and make sure its done properly. He also stated that they would definitely make sure that the neighbors are fine with it, they want to make sure that all concerns are addressed.

The Board members were in support of the project and they would be awaiting the details until they take action.

**B. Sewer Tap Refund Request: Parcel 21-32-251-060**

Supervisor Young explained that the applicant requested that this item be tabled until the next meeting.

**Motion by Hicks, second by Hemker**

**To table Sewer Tap Refund Request, Parcel 21-32-251-060 until the next regular meeting.**

<b>Voice Vote:</b>	<b>Ayes:</b>	<b>Unanimous</b>
	<b>Nays:</b>	<b>None</b>
	<b>Absent:</b>	<b>Carcone</b>

**MOTION APPROVED**

**C. Costly Lane Drainage Issue**

Ms. Zawada reviewed the memo from Giffels-Webster dated April 23, 2009 and asked that the Board keep this on the agenda until the situation is resolved. This project has had a long history of problems associated with it and they would like to see it resolved.

**Wayne Bailey, 23900 Griswold.** He explained that he bought this property 33 years ago and built his home there. For 15 years his sump pump never ran until his neighbor built a home there and it was built high which stopped all of the natural drainage to the Yerkes drain and it backed up on his property. About 2 years ago, the current owner decided that she was having water problems and did an extensive drainage system. As the construction was going on he assumed that she was working with the Township. He noticed the water started building up and now there is a large lake and the residents on Belle Aire Lane stated experiencing flooding as well. He called the Township and discovered that there were no permits pulled from the Township. Mr. Bailey presented pictures of the area with water, he stated that he went from no water to what was pictured. It was discovered that one of the residents decided to knock a plug out that was put in the basin that was supposed to be removed when the construction of Costly Lane was done, which allowed close to a million gallons of water to pond up on his property. He has been dealing with this every day for more than 6 weeks and there has not been a lot of help offered.

Ms. Zawada stated that she is waiting for plans to be delivered from the original developer's engineer. She spoke with him last Friday and he said they should have something in by the end of this week but she has not seen anything. She thinks this is a serious problem and it should stay on the Board agenda at the minimum and if there was no progress they should seek action against the original developer.

Mr. Crandall gave a brief history of the project and what went wrong.

**Jason Hardesty** – He explained that he has worked with the developer and he had very little cooperation from him. There was a huge history with this project and if they give the developer more time he will take it.

**George Beluga** – He stated he has lived there about 8 years and the water has never been this bad, it's 2-3' deep. He was willing to help and do whatever needs to be done to get it taken care of.

**Don Valentine** – He stated that the original developer had a real problem with doing things right. The developer ignores deadlines and he was told to redo the retention ponds because they did not meet the plans, he has used up all of his 9 lives. They have to take action because whatever he tells them he will not do it. He felt it was time to make the developer accountable.

Mr. Bailey recommended Low Impact Development.

#### **D. Sewer Water Assessment Assigned to Parcel 21-33-126-010 of 103 REUs**

##### **Representing item D:Ellen Darmofal and Doris Clark**

Ms. Darmofal reviewed the letter dated April 20, 2009 that was in reference to parcel 21-33-126-010 and it gave a brief history of the events. She explained that her parent's 44 acre parcel of land was included in the Southwest Sewer and Water SAD which resulted in a total assessment of \$1,951,977.78. Paid over 20 years make this year's special assessment payment with interest almost \$200,000.00. They were told that their mother, Doris Clark chose to be included in this assessment district, although they cannot explain how this took place. They feel that she did not understand the excessive and unaffordable tax burden that would be placed on her property. They are asking if the 103 REUs can be purchased back by the Township and the base assessment be adjusted to reflect a more realistic usage of this land.

Ms. Zawada explained that the initial process started about 5 years ago and informational meetings were held with property owners and developers who were interested in extending utilities. This process took a long time because there were so many properties. The SAD was established by resolution. Initially, the first 2 public hearings were in June and July of 2005 and were based on a construction estimate and then the design was completed and the project was bid out and the roll was reconfirmed in 2006. For this project alone there were 3 public hearings and Ms. Clark was notified and to her knowledge Ms. Clark and her family did not have an objection at that time. The REUs are based on the zoning of the property and the buildable acreage. The zoning for this property is light industrial and for that zoning they use 3 REUs per acre. They calculated 34 buildable acres multiplied by 3 REUs totaled 103 REUs. Another thing that makes this request complicated is that a couple of years ago there was a rate study performed to show that the Township was financially stable to expand the treatment plant. It was recommended that the purchase of capital charge back not be done because they need the income to build the plant.

Supervisor Young explained that they took the layout and showed what could be developed on

that piece of land and included retention, parking and the setbacks. He believed that they did not make a mistake considering the information that they have today, there does not appear to be a mistake of the amount of REUs, the debatable part was that the Clark family feels that Ms. Clark was not aware of what she was doing.

Mr. Ray Cousineau from Lyon Waste Water stated that they are against repurchasing REUS and will not participate in it and are totally against it.

**James Clark** – He explained that he is the son of Ms. Clark. He has farmed that land since he was in the 8<sup>th</sup> grade and he is 54 years old now. There are maybe 20 acres of dry land and 100 yards down Griswold and 100 yards down 9 mile that was frontage, then it was sliced by the railroad track. They were not trying to blame anyone. This was done by exclusion, so his mother would have had to opt out of it and she was 80 years old at the time and suffers from dementia and does not understand a lot of what was going on. Somehow she got included in this but was not included in the property right across the road, he did not know how that happened. He thought it was a special situation. At this point it would be hard to even give the land to a charity, they would have to pay the assessment on it and sell it for more than what the assessment was. They couldn't even sell it when they had it up for \$40,000 an acre and now it has assessments for over \$60,000 put on it because his mother did not understand how it worked, and the evidence of that is that she is included on one side but not the other and no one knows how that happened.

Ms. Darmofal asked about the diagram that was drawn up that showed more REUs on the land, she asked how many acres that formula called for using dry land. Ms. Zawada stated that the drawing was 18 acres with a 50' buffer. Ms. Darmofal stated that her point was that the original assessment was over assessed.

**Carol Clark** – She stated that she is also Ms. Clark's daughter and that they found a letter dated 12/11/03 from Robert Layton who is an Engineering firm that pulled out from purchasing the land due to the property being 50% wetland and which made it difficult to obtain permits. Ms. Clark provided copies of the letter to the Board. She stated that during a phone conversation with Ms. Zawada she was told that the only way that they could do anything with the land was to purchase the REUs because they would not be available at another time because there were only a limited number of them. She stated that the whole assessment was based on the numbers of REUs. It was certainly not clear to her mother they were asking for some grace, they can't give the land to charity, they have tried. They can't afford it either even though they have owned the land for 40 years and grew up in this community.

Mr. Clark questioned why his mother was excluded from the smaller parcel. Ms. Zawada stated that they held informational meetings and invited everyone along the route to attend and if they wanted to join the SAD then they were to contact Giffels-Webster.

**Motion by Fletcher, second by Cash  
To table Sewer/Water Assessment until the June 2009 Regular Board Meeting.**

**Voice Vote:                      Ayes:                      5**

**Nays: Hicks**  
**Absent: Carcone**

**MOTION APPROVED**

**E. Professional Service Fees**

Mr. Hicks asked about collecting a fee from the consultants when they collect money for them on "pass through" items. He felt that there should be a service fee to cover the extra steps. Mr. Quinn stated that there would be a 10-15% administrative fee on every application filed thorough the Township. Ms. Cash explained that they were trying to see who has to pay for what and what that included. Mr. Quinn suggested that they have the member of the public sign a form that states they requested the information and they are aware there will be a charge. Mr. Doozan felt that was a good idea.

Supervisor Young stated that they would bring some examples to the next Board meeting and discuss it further.

**F. Ron Hausmann Resignation**

Supervisor Young explained that Mr. Hausmann was working out of the country and he has formally resigned.

**Motion by Hemker, second by Dolan**  
**To accept Ron Hausmann's resignation from the DDA.**

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

**MOTION APPROVED**

**G. 58000 Grand River and the West Entrance to Lyon Township Hall New Street Light Installation**

Supervisor Young explained that the request was made to install a light at the new entrance of the Township Hall. The total for installation was \$1,278.00. Mr. Hemker questioned the annual operating costs and wondered if that includes the replacements of the lamps. Supervisor Young stated that they have done that in the past at the library, but he would clarify.

**Motion by Cash, second by Dolan**  
**To approve the installation of the street light at 58000 Grand River and the West Entrance to Lyon Township Hall.**

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

**Absent: Carcone**

**MOTION APPROVED**

Supervisor Young called for a short recess at 9:20 p.m.  
Supervisor Young called the meeting back to order at 9:27 p.m.

**H. Community Center Contract Review**

Supervisor Young stated that the committee got together and went over this and went out with the bids. The low bid was \$71,964.00. There were some bids for heating and plumbing and a general clean up estimate of \$1000.00 for the bathrooms. He was pleased to see all local contractors. He also reported on getting an estimate for chairs for approximately \$5,600.00 He would like to round that number to \$6,000.00 and consider a not to exceed number.

Mr. Debear's explained the bid process said that it was straightforward.

**Motion by Cash, second by Hicks**

**To approve the Community Center Remodel with the design price of \$71,964.00, the Selective Heating at \$895.00, Solomon Plumbing at \$2900.00 along with an estimate to be bid out as the general clean out of the restrooms for a total of \$76,759 plus \$6,000 for chairs and tables in the community center. The total not to exceed \$85,000.00**

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

**Nays: None**

**Absent: Carcone**

**MOTION APPROVED**

**I. Purchase of Scanning Software/Hardware for Building Department**

Supervisor Young explained that this has been budgeted for a couple of years through the Building Department to try to get them into electronic format. There were 3 bids that were given with AmeriScan being the lowest bid at \$10,272.00. An automatic feed duplex scanner would need to be purchased at \$2500 and if they have drawings larger than 11" x 17" they would need to be scanned by a scanning service at price of \$10,000.

After concerns were raised regarding the current Building Department revenue and having this large of an expenditure even though it was a budgeted item, it was decided to close out the books for 2008 and see a few more months of Building Department reports before making a decision.

**Motion by Hemker, second by Cash**

**To Table the purchase of scanning software/hardware for the Building Department until the July 2009 regular Board meeting.**

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

Nays: None  
Absent: Carcone

MOTION APPROVED

**J. Chili's Liquor License Transfer**

Mr. Quinn explained that Southwest Dining Inc. is buying a number of restaurants from Brinker Michigan Inc. This is a transfer of licenses and all connected permits. They pledged to have monthly clean outs of the grease trap.

**Motion by Cash, second by Hicks**

**To approve the transfer of the liquor license from Brinker Michigan Inc. to Southwest Dining Inc. pursuant to the resolution provided by the Michigan Liquor Control Commission.**

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

Nays: None  
Absent: Carcone

MOTION APPROVED

**K. Lyon Center Pump Station Enclosure**

Supervisor Young explained that he received 3 bids for fencing and the lowest bid was from South Lyon Fence and Supply at \$1,878.10 Mr. Quinn explained that since John Dolan is a major owner of South Lyon Fence and Supply they were required to give public notice and consider this at the next meeting.

**L. Board Consideration for Maintenance Truck**

Supervisor Young expressed the need to replace the maintenance truck because it was starting to cost them money due to repairs. After brief discussion there was no objection from the Board members for replacing the maintenance truck.

**M. Budget Amendment Consideration**

Supervisor Young asked that the Board consider the reallocating of funds from Department 965 Capital Outlay lines 970.001 and 970,002 to line 970.003 Community Center.

**Motion by Cash, second by Hicks**

**To amend the budget in department 965 Capital Outlay lines 970.001 \$15,000 and line 970.002 \$20,000 to line 970.003 Community Center.**

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

**Nays:**                      **None**

**Absent:**                      **Carcone**

**MOTION APPROVED**

**N.     House Demolition Contract**

Supervisor Young explained that this item is for DDA action.

**O.     Mike Teagan**

Mr. Teagan gave a brief history of the complaint regarding the blight and zoning violations regarding his neighbor. Mr. Teagan passed out pictures showing the blight on the property. Mr. Quinn explained that he would need to go back and look at the plea agreement and that there was nothing wrong with a new ticket being issued given the fact that the neighbor won't abide by the rules. Mr. Teagan expressed his frustration in not having follow up with the Building Department. Supervisor Young explained that they would list and identify the violations per the ordinance and investigate solving the situation.

**2.     ITEMS REMOVED FROM CONSENT AGENDA FOR ACTION OR DISCUSSION**

Mr. Dolan questioned the McKenna Associates invoice regarding a need for a Senior Urban Designer and an Associate Environmental Designer to get the mowing contract. Mr. Doozan explained that the Urban Designer and the Associate Environmental Designer, Dean Hay, drew up a map for Atchison Park to outline the areas that were going to be mowed. There was an Area A and an Area B which would have two different treatments. The Senior Urban Designer drew up the map and Dean Hay, the Associate Environmental Designer calculated the areas of those separate areas on the map. Mr. Doozan stated that they also had some maps for the Township Hall and other properties that were done. Mr. Dolan questioned the cemetery fence repair and Mr. Doozan stated that Dean Hay had the bulk of the work; he had to visit the site to determine what needed to be done at which point he contacted the contractor so that the contractor could bid on that piece of work. Mr. Dolan stated that he was just questioning so he could understand the process.

**Motion by Dolan second by Hemker  
To approve the McKenna Associates invoice.**

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

**Nays:**                      **None**

**Absent:**                      **Carcone**

**MOTION APPROVED**

**3.     Mr. Quinn asked to amend the agenda in order to add under Executive Session, Attorney/Client privilege opinion letter.**

**Motion by Cash, second by Hicks  
To add an Executive Session.**

<b>Voice Vote:</b>	<b>Ayes:</b>	<b>Unanimous</b>
	<b>Nays:</b>	<b>None</b>
	<b>Absent:</b>	<b>Carcone</b>

**MOTION APPROVED**

**ADJOURNMENT**

**Motion by Hemker, second by Cash  
To adjourn the Regular Board Meeting and go into Executive Session.**

<b>Voice Vote:</b>	<b>Ayes:</b>	<b>Unanimous</b>
	<b>Nays:</b>	<b>None</b>
	<b>Absent:</b>	<b>Carcone</b>

**MOTION APPROVED**

The Regular Meeting of the Board of Trustees was adjourned at 10:55 p.m.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary

Michele Cash  
Clerk