

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
July 6, 2009

Approved: August 3, 2009 as submitted

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: 13

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

APPROVAL OF THE CONSENT AGENDA

Approval of Regular Meeting Minutes of June 1, 2009

Approval of Disbursements

Building Department Report for May 2009

Fire Department Reports for May 2009

Zoning Reports for May 2009

Engineer Status Report for June 2009

Motion by Carcone, second by Fletcher

To approve the Consent Agenda as submitted.

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Treasurer Carcone reported that the tax bills have been mailed to the residents.

CALL TO THE PUBLIC

Jim Chuck- He explained that there is a flyer available which lists the dates for the public to remember due to the library being closed for remodeling along with a list of local libraries that residents can use during that time. He also asked that the Board seriously consider the request of paving the library and community center parking lot.

APPROVAL OF AGENDA

Mr. Dolan asked that item J. be added to the agenda in order to have an update regarding the Township Hall.

Mr. Fletcher asked that item K. be added to the agenda to possibly form a sub committee to review disbursements with the major consultants.

Motion by Fletcher , second by Cash

To approve the agenda with the two additions as noted J. and K.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

UNFINISHED BUISNESS

A. Costly Lane

Mr. Crandall explained that since the last meeting they have reviewed the plans. They do need to have a meeting with the Bailey's in order to discuss an easement. He explained that he just received a letter from Mr. Elie's attorney and it appears that he may be asking the residents to pay for the cost.

There were some Board members that expressed they wanted a plan to be enforced in order to resolve this problem.

Jason Hardesty – He explained the information that he found out from another Township Attorney that he spoke to and he was told that a judge would consider this fraud, that the developer did not do what the print said and he would be responsible for fixing it. The developer has been harassing his family, coming around when he was not at home and speaking to his wife, he wanted that to stop. He never saw an amendment to the print.

There was brief discussion regarding the engineer that stamped the as built plans as well as the engineering firm that could be held responsible.

Mr. Dolan brought up the concern about the water being diverted to another area of Mr. Bailey's property.

Wayne Bailey – He stated that in 2001 those were retention basins. He would rather see it go

back to sheet discharge which was not noticeable and now they are at a point discharge and he would have to look at how the erosion would be controlled. He explained that he just wanted the property to be whole again.

Ms. Carcone commented that they should take the steps that are necessary to fix the problem; it has gone on for too long. She visited the property and was amazed at the amount of water, the problem needed to be fixed.

Geri Valentine – She commented on the tremendous amount of damage that has been done to Wayne Bailey’s property. She had water in her family room over the winter and she asked that she be kept in the loop and for them to remember her side of the road.

Mr. Bailey referred to the Low Impact Development Standards that were written by SEMCOG and he highly recommended that the Township look into adopting those standards.

Supervisor Young summarized that Mr. Quinn will begin the legwork to see what they can do regarding the engineer and meet with the residents regarding the possible easement. The Board agreed that this problem needed to be resolved as soon as possible.

B. Second Reading of AP-09-03, Text Amendment to the Zoning Ordinance, Article 16.00 Signs

Mr. Quinn explained that the amendment was in the format to be considered for second revision final adoption and included the recommended revisions.

**Motion by Dolan, second by Hicks
To approve the Second Reading of AP-09-03, Text Amendment to the Zoning Ordinance, Article 16.00 Signs.**

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

Nays: None

MOTION APPROVED

C. Second Reading of AP-08-22, Recommendation for a Text Amendment to the Zoning Ordinance, Sections 19.02 V and 23.02.B regarding Nursing Homes and Convalescent Homes

Mr. Quinn explained that the amendment was in the format to be considered for second revision final adoption.

**Motion be Carcone, second by Cash
To approve the Second Reading of AP-08-22, Recommendation for a Text Amendment to the Zoning Ordinance, Sections 19.02 V and 23.02.B regarding Nursing Homes and Convalescent Homes**

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

MOTION APPROVED

D. Second Reading of Amendments to the Tree Protection Ordinance

Mr. Quinn explained that based upon the comments made at the last meeting the new language was added by Mr. Doozan.

**Motion by Hicks, second by Carcone
To approve the Second Reading of Amendments to the Tree Protection Ordinance.**

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

MOTION APPROVED

E. Purchase of Scanning Software/Hardware for Building Department

Mr. Fletcher reported that a meeting was held with Ameriscan and Supervisor Young in order to evaluate the technology. The company gave them 3 references. Mr. Young was able to contact the City Manager of Eastpointe and they gave a high recommendation for the company. Mr. Fletcher explained that the total for the scanning would be \$12,800 and for large format scanning would be \$9,800. Supervisor Young commented that they received 3 bids from three good companies, Ameriscan being the lowest bidder of the three.

There were concerns raised regarding the major decrease in revenues and how this expense could be justified when there may not be enough money to cover salaries at the end of the year. There were also discussions regarding only purchasing part of the system in order to lower the cost but it would allow them to get started.

There was also brief discussion regarding the benefits of having the technology and that it should still be investigated in order to show where the savings would be in order to justify the purchase.

**Motion by Carcone, second by Hicks
To approve the purchase of the scanning software/hardware for the Building Department not to exceed \$15,000.00 because the budget reflects it, along with the approval of Lannie Young, Steven Fletcher and Al Hogan. Mr. Fletcher offered an amendment to the motion to include that this shall also include finding out where the savings would be to justify the purchase. Ms. Carcone accepted said amendment and Mr. Hicks continued support of the motion.**

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

Nays: **Hemker**

MOTION APPROVED

NEW BUSINESS

A. REU Buy Back: Parcel 21-32-400-024 (Margaret Hasenclever)

Representing Margaret Hasenclever: **Margaret Kurtzweil, Attorney**

Motion by Carcone, second by Hemker

To send this to the sub committee for a review and get back to the Board.

Ms.Kurtzweil explained this was a very unfortunate circumstance and if it did not get resolved Ms. Hasenclever would lose her property. She was willing to fight for the property that has been in her family for many years. She felt that the blame was with the developer. She did not see how anyone could have thought that a 65 year old woman who was on social security could pay for this assessment. They would move forward and she would remain hopeful that the Township would do the right thing.

Ms. Carcone explained that she would email the subcommittee in order to meet and discuss this issue.

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

MOTION APPROVED

B. Blade Sign Text Amendment

Mr. Doozan explained that Blade Signs are pedestrian oriented signs that project out from the building and are intended to be used in the Town Center Overlay District.

Motion by Carcone, second by Hicks

To approve the First Reading for AP-09-07 text amendment to the Zoning Ordinance, Article 41.00 Town Center Overlay District to allow Blade Signs.

There was brief discussion among the Board members regarding the thickness of the signs.

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

Nays: **None**

MOTION APPROVED

C. Resolution for Property Acquisition

Mr. Quinn explained that this is a resolution for property acquisition for properties that they need at the southwest round about so if they have to begin any condemnation this would provide the authorization to do so.

Motion by Carcone, second by Cash

To approve the resolution for property acquisition as presented by the Township Attorney.

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

MOTION APPROVED

D. Amendment to General Penalties Ordinance

Mr. Quinn explained that this will begin the change of calling some violations of the Building Codes Misdemeanors and make those civil infractions. This will make it clear what a Civil Infraction is subject to.

Motion by Carcone, second by Hemker

To approve the First Reading an ordinance to amend Chapter 1, General Provisions, Section 1-11. Generally Penalty; Continuing Violations, by adding subsection (h) and further define certain violations of the code as Civil Infractions.

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

MOTION APPROVED

E. Lyon Town Center Ring Road Paving Improvements SAD

Mr. Quinn stated that based upon the direction given by the Board at the last meeting was to create the Special Assessment District without bonds for the pay back to Milford Road East Development Associates, LLC of the cost of the East Lyon Center Drive paving and the reimbursement for the purchase of the land underneath the road and including the Township's administrative fee. This resolution of tentative declaration of intention to make improvements begins that process.

Ms. Carcone questioned if all parties were in agreement with the numbers. Mr. Crandall stated that Mr. Carson was in agreement.

Motion by Carcone, second by Cash

To approve the Resolution of tentative declaration of intention to make improvements for Lyon Town Center Ring Road Paving Improvements SAD

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

MOTION APPROVED

F. Contract for Equalization Division Assistance Services

Supervisor Young explained that this was done every year for the assessing. This contract would be for two years and would hold the current rates for that time period.

Motion by Fletcher, second by Hemker

To approve the contract for Equalization Division Assistance Services from Oakland County for two years.

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

MOTION APPROVED

G. Buildings and Building Regulation Civil Infractions Ordinance

Mr. Quinn explained that this ordinance will convert misdemeanors to civil infractions by establishing violations of the Single State Construction Code, Electrical Code, the Property Maintenance Code and the Vacant and Dangerous Building code.

Motion by Hemker, second by Hicks

To approve the first reading an ordinance to amend the Charter Township of Lyon Code of Ordinances, Chapter 10. Buildings and Building Regulations by establishing violations of Article II. Single State Construction Code, Article III. Electrical Work Article IV. Property Maintenance Code and Article V. Vacant and Dangerous Buildings as Municipal Civil Infractions.

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

MOTION APPROVED

H. Proposals for Paving Lyon Township Library and Community Center

Supervisor Young reviewed the proposals for the paving of the Lyon Township Library and Community Center. The Board Members were all in agreement that the paving needed to be done but that it needed to be done correctly so that it will last.

Ms. Carcone reported that she will be depositing \$198,000.00 from tax interest into the General

Fund.

Motion by Carcone, second by Cash

To approve Asphalt Specialists Inc. to pave the parking lot as described in the bid for \$33,840.00 including the alternate bid of \$1600.00 with a not to exceed amount of \$36,000.00.

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

MOTION APPROVED

I. Discussion and Possible Action to enter into an agreement with the City of South Lyon DPW for Maintenance and Repair of Township Fire Department Vehicles and Equipment

Chief McClain explained that he had mentioned to Chief Kaska in South Lyon about joining in on trainings and drills and they have been working really well together. Right now any light maintenance on the fire trucks was done by the guys on duty but any major work had to be contracted out to different vendors which was very expensive. The Chief from South Lyon gave the suggestion that they could help them out by doing the maintenance of the fire trucks. They would charge the mechanics time including benefits plus a 20% administration cost and Lyon Township would be responsible for their own parts and supplies. South Lyon asked that Lyon Township enter into a Governmental Cooperation Agreement as well as a Hold Harmless Agreement. Chief McClain asked that the Board direct the City Attorney to enter into this agreement and draw up the proposal for South Lyon's July 27, 2009 meeting.

Concerns were raised regarding the Hold Harmless Agreement and the fees were discussed.

Motion by Hemker, second by Fletcher

To direct Mr. Quinn to work with the City's attorney to draft an agreement for this purpose.

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

MOTION APPROVED

J. Update on Township Hall

Supervisor Young reported the changes that have been done inside the Township Hall and that the work has been completed free of charge by utilizing a citizen who is completing a term of community service.

Mr. Dolan explained that he was not aware of the changes and from now on would like to have some input and be informed. Ms. Carcone also thought that there should have been more input regarding the changes.

K. Forming a possible subcommittee to review fees of major consultants

Mr. Fletcher explained that he consistently has questions regarding the fees from the major consultants. He was suggesting having a sub committee and meeting monthly to go over the invoices in detail.

Supervisor Young stated that they go through those bills in detail every month and they could speak to each line item. Supervisor Young continued that asking questions on any of the bills should be done by any Board member.

Ms. Carcone agreed that each member had to be comfortable with each thing that they are approving and questions should be asked.

Ms. Cash stated that she could supply each line item report to anyone who would like it. Some of the Board members expressed an interest in receiving those reports.

ADJOURNMENT

**Motion by Carcone, second by Hemker
To adjourn the regular meeting and move into Executive Session for pending litigation.**

Voice Vote:	Ayes:	Unanimous
	Nays:	None

MOTION APPROVED

The Regular Meeting of the Board of Trustees was adjourned at 9:21 p.m.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash
Clerk