

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
August 3, 2009

Approved: September 8, 2009 as written

The meeting was called to order by Supervisor Young at 7:04 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: 9

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

APPROVAL OF THE CONSENT AGENDA
Approval of Special Meeting Minutes of June 10, 2009
Approval of Regular Meeting Minutes of July 6, 2009
Approval of Special Meeting Minutes of July 16, 2009
Approval of Disbursements
Building Department Report for June 2009
Fire Department Reports for June 2009
Zoning Reports for June 2009
Engineer Status Report for June 2009

Motion by Carcone, second by Cash
To approve the Consent Agenda as submitted.

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Ms. Rana Emmons from Post, Smythe, Lutz & Ziel, CPA firm reported that the General Fund of

the Township is healthy. She felt that 2010-2011 would be the most challenging years in southeastern Michigan. She commented that the Township is in strong fiscal health.

CALL TO THE PUBLIC

There were no comments.

APPROVAL OF AGENDA

Chad McCormick from Quadrants requested to be placed on the agenda relating to the Testek lot split.

Mr. Quinn stated that New Business, Item C. on the agenda should be a public hearing.

**Motion by Hicks, second by Cash
To approve the agenda with the addition of item J.**

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

MOTION APPROVED

UNFINISHED BUISNESS

A. Costly Lane

Mr. Crandall explained that the engineer had submitted a plan and it is being reviewed. Basically, the plan would move the water from the west to the east which would move it away from Mr. Bailey's barn. He felt that the issue is close to being resolved but there is also the issue of how it would be paid for.

Mr. Bailey handed out the easement documents to the Board members.

Geri Valentine – She explained that she is affected by the water issue and is concerned that she is not being kept informed by the Township. She requested to be kept informed of any information regarding this issue. She also did not understand why the abandoned property is not being used and make that a detention and raise the road so the water runs back to where it should be and to where it was running at one time.

B. Second Reading of Blade Sign Text Amendment

Mr. Doozan stated that it was reasonable to change the maximum thickness to three (3) inches. The ordinance language has been changed to reflect the depth change.

**Motion by Hemker, second by Hicks
To approve the Second Reading of the Blade Sign Text Amendment with the only**

change being that 3e. The thickness or depth of a blade sign shall not exceed three (3) inches.

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

Nays: None

MOTION APPROVED

C. Second Reading of Amendment to General Penalties Ordinance

Mr. Quinn stated that this is the second reading and it is ready for adoption.

Motion be Hicks, second by Cash

To adopt the resolution for General Penalty; Continuing Violations, by adding subsection (h) and further define certain violations of the code as Civil Infractions.

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

Nays: None

MOTION APPROVED

D. Second Reading of Buildings and Building Regulation Civil Infractions Ordinance

Mr. Quinn explained that this is the second reading and is in the form for final adoption.

Motion by Hicks, second by Cash

To adopt the Lyon Code of Ordinances, Chapter 10, Buildings and Building Regulations

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

Nays: None

MOTION APPROVED

E. Inter Governmental Agreement

Mr. Quinn explained that this was brought to the Board last month and it was approved in concept. The document was presented to the Board in South Lyon and the agreement was adopted as presented. If adopted, Chief McClain will be getting his vehicles fixed by the City of South Lyon

Motion by Carcone, second by Fletcher

To approve the Inter-Governmental Agreement between Charter Township of Lyon

and the City of South Lyon as presented in this resolution by our attorney.

Voice Vote: Ayes: Unanimous
 Nays: None

MOTION APPROVED

NEW BUSINESS

A. Special Events Application – Erwin’s Barn of Horrors

Chief McClain requested that the motion be contingent upon successful completion of a Life Safety Inspection by the Fire Department.

Mr. Quinn commented that the proposed insurance is at 2 million dollars.

Motion by Carcone, second by Cash

To approve the Special Event Application by Linda Erwin of Erwin’s Apple Orchard with respect to their application also with obtaining insurance and per the Fire Chief that there will be a successful completion of a Life Safety Inspection.

Voice Vote: Ayes: Unanimous
 Nays: None

MOTION APPROVED

B. Resolution to transfer Liquor License to June R. Tyrrell of Bon-A-Rose Catering, LLC.

Mr. Quinn explained that this is presented to let the Board know that the Township Ordinance has to be followed since this was sent to the Township by the State. Mr. Quinn explained that this will be back in September with all of the pertinent information.

Motion by Carcone, second by Hemker

To table the resolution to transfer Liquor License to June R. Tyrrell of Bon-A-Rose Catering, LLC. until the September meeting.

Voice Vote: Ayes: Unanimous
 Nays: None

MOTION APPROVED

C. Public Hearing for the Resolution Determining Necessity of Improvements and Designating Special Assessment District for the Lyon Town Center Ring Road Paving Improvements Special Assessment District

Mr. Quinn explained that there has been one letter of objection from Phil Atkinson at the Credit Union. The purpose of writing or giving a verbal objection is to preserve their right to appeal to the Michigan Tax Tribunal if they do have any objection to their assessment.

Supervisor Young opened the public hearing at 7:35 p.m. and closed it due to no one wishing to comment.

Mr. Quinn explained that this resolution is the Township proposing a Special Assessment district in the total amount of \$3,884,081.00 to be paid 100% by the 16 property owners and this is a reimbursement for the cost of the road construction and the value of the surface of the ground under the road construction. The term of the assessment is 10 years equal installment plus interest SAD. The proposed Hold Harmless Agreement has also been sent out to the attorney and it will be resolved before the September meeting.

Mr. Fletcher asked if everyone has been notified. Mr. Quinn answered that there has not been any comment from any of the property owners other than the Credit Union. He did hear from Brinker's who inquired and wanted a copy of the PD Agreement. Everyone has been notified.

Motion by Carcone, second by Cash

To approve the resolution determining necessity of improvements and designating Special Assessment District for the Lyon Town Center Ring Road Paving improvement Special Assessment.

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

Nays: None

MOTION APPROVED

D. Resolution Setting Hearing Date on Special Assessment Roll for Lyon Town Center Ring Road Paving Improvements Special Assessment District.

Mr. Quinn explained that this resolution directs the Supervisor to prepare the roll and to have it available for anyone in the Township. This will set the public hearing for September 8, 2009 at 7:00 p.m.

Motion by Hemker, second by Carcone

To approve the resolution setting the hearing date for September 8, 2009 on Special Assessment Roll for Lyon Town Center Ring Road Special Assessment District.

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

Nays: None

MOTION APPROVED

E. Joining M.I.T.N.

Chief McClain explained that Michigan Inter-governmental Trade Network (M.I.T.N) is an organization of municipalities in Michigan that enter into a cooperative agreement for purchasing and bidding out products or services. There is no cost to the Township. It is a user friendly website and will let the Township get the best price for the community. He also explained that BidNet is just like Ebay and this service would allow the Township to sell items that are not being used anymore.

There was concern expressed regarding the use of local businesses. Ms. Carcone explained that there was a 6 month period where a letter was sent to all of the vendors that the Township has used explaining that the Township would be using this website. Everyone was told that from now on it was up to the businesses. Chief McClain also stated that the bid can be circumvented and a local township business could be used if wanted. There was not an obligation to take the lowest bid.

To sell any property, Chief McClain will provide a list of items to the Board.

**Motion by Hemker, second by Cash
To join M.I.T.N.**

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

MOTION APPROVED

F. Board Consideration to Aluminized Township Hall Trim

Supervisor Young explained that the wood trim on the Township Hall is rotting and it needed to be addressed. Three bids were received and the recommendation was to take the lowest bid from Dohany Inc. using .025 aluminum for a total cost of \$17,346.00. Supervisor Young explained that there is \$50,000 in the budget for improvements.

**Motion by Carcone, second by Hicks
To approve Dohany Inc. quote using .024 aluminum including painting the archway and dropping the gutters to install new fascia material behind the gutters to the roof drip edge in the amount of \$17,346.00 and it is a budgeted amount.**

Mr. Fletcher asked for a list of projects that are needed in order of importance to help prioritize.

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

MOTION APPROVED

G. Board Consideration to Move and Restore Pavilion to Rest Room Area

Supervisor Young explained that this is a consideration and that he contacted the same business that moved the other pavilions and they agreed to move this one if it was approved for the same price of \$16,800.00. The cost of a new one was roughly \$36,000.00. He spoke to Gas Recovery System to find out why the revenue is so low for this year. GRS has been considering shutting the whole generator down. After talking with them, they are committed to keeping it open and doing some improvements. The Township gets 10% royalties off of their net proceeds. The revenues would only get less and they want to make the part of the park where they spend the time manageable, within the budget. Currently, they have \$137,000.00 in the bank for the park. They are going to spend some of that for mowing. After speaking to residents, they expressed that they don't like having the restroom far away. He felt there were good possibilities by moving the pavilion closer to the rest room and electric could be added as well as there being room for a playscape.

Mr. Dolan asked if the books have been audited for the Gas Recovery System. Supervisor Young stated that GRS has committed to get all of the information to the Township.

Ms. Blades stated that the play structure/pavilion is an embarrassment. She felt that if they did it now and got it in place they could reduce some of the mowing. As a committee they worked hard on this last year and received estimates on how much it would cost to move the playground equipment versus buying new. To remove and reinstall one of the playground structures would be \$15,000.00. She would like to put together a committee and move forward with plans.

Mr. Fletcher stated that he would like to look at the fund balance and prioritize items and lay it out with a plan. He suggested trying to get sponsorship from the community businesses. Ms. Blade explained that Ms. Case sent out approximately 25 letters asking for donations and they have gotten zero response.

The consensus of the Board was to investigate pricing and come back with a preliminary plan with a list of items that they would like to accomplish.

H. Board Consideration of Constructing Maintenance Building

Supervisor Young explained that there is a real need by the Fire Department to store equipment and conduct training. The Township also needs a maintenance building to store tools and equipment. By proposing a building on the Fire Hall property, they could split the use of the building and use it for maintenance and Fire Department purposes. There is some money in the construction dollars from the previous millage that they could use to pay for it. It would not be any burden on the General Fund.

Mr. Dolan stated it was a scary time and the revenues are dropping. Supervisor Young stated he was not proposing hitting the General Fund; this is monies that are out there, monies that

they can only use for construction. Mr. Hemker raised the concern of financing. Mr. Dolan agreed that it was needed but he was worried about the money being used. Mr. Fletcher stated that there would be operational costs to the building. The consensus of the Board was that a maintenance building was needed and Supervisor Young will bring forth a preliminary plan.

I. AP- 09-04 Villas at Crystal Creek Final Approval

Mr. Doozan reviewed the McKenna Associates memo dated July 29, 2009 with the recommendation of approval of the amendment to the Villas at Crystal Creek Planned Development subject to the following conditions:

1. The landscape plan must be revised to show 12 coniferous and deciduous trees along the Villas property line. The trees shall be identified by a common and scientific name.
2. The landscape plan must be revised to show two additional red spire pear trees along the south side of the road coming into the development off of Milford Road.
3. The Planned Development Agreement, Master Deeds and By-laws are subject to review and approval by the Township Attorney.

Mr. Doozan continued that there is a side issue that the Elkow's are contemplating acquiring two more duplex units and converting them to single family units. These units are existing but are run down. If they are prepared to move forward with that plan then the following 4th condition should be added to any approval motion:

4. Require that all plans and documents be updated to show the conversion of the two additional units.

Ms. Carcone asked who the owner of the property is. Mr. Elkow explained that they have agreed with the bank to purchase those but have not completed the actual transaction yet, the deeds are sitting in escrow. Ms. Carcone asked how the site plan can be changed when Mr. Elkow does not own the property. Mr. Quinn explained that the Planned Development amendment requires that Elkow Homes be a signature and the only way they can sign it is if they own the property, nothing becomes official until this First Amendment to the PD is signed and recorded. This is a Zoning Ordinance change.

Until the Township gets verification that Elkow Homes owns the property these documents cannot be signed, there are no changes that can be done until they provide lawful ownership documents.

Motion by Carcone, second by Cash

To approve the first amendment to the Planned Development Agreement Elkow Farms Planned Development Charter Township of Lyon, Oakland County, as submitted and subject to consultant letters and final approval by the Township Attorney.

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

MOTION APPROVED

Due to a set of documents not being included in the Board Members packets and a piece of information not being correct it was decided to wait until all documents have been reviewed by the Township Attorney and finalized before moving forward.

Motion by Carcone, second by Cash
To reconsider the motion.

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

MOTION APPROVED TO RECONSIDER

Motion by Carcone, second by Cash
To withdraw the motion.

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

MOTION WITHDRAWN

Motion by Carcone, second by Cash
To table the Villas at Crystal Creek final approval until a special meeting is scheduled but no later than the regular meeting on September 8, 2009.

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

MOTION APPROVED

J. Quadrants

Representing Quadrants: Chad McCormick

Mr. Doozan reviewed the McKenna Associates memo dated July 30, 2009 and recommended approval subject to the following conditions:

1. The applicant shall correct the discrepancy regarding Unit 18 and the location of the Michigan Consolidated utility easement.
2. The applicant shall revise and resubmit the Master Deed to include restrictions regarding the gas easement.

Mr. Hemker asked why the MDEQ is requiring this. Mr. Doozan explained that contaminants

were found at the front of the property and the solution is to split off the contaminated portion of the property and leave the uncontaminated portion as a separate parcel.

Mr. McCormick explained that they removed most of the contaminants but before the MDEQ would sign off they wanted them to take an extra step and split it off, basically, it would be an unusable portion but owned by the same company.

Motion by Cash, second by Carcone

To approve AP-05-05 Quadrants Industrial Research Centre 9th amendment to condominium documents and the 6th replat of the approved condominium dated 3/26/09 subject to McKenna review letter dated July 24, 2009.

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

Nays: None

MOTION APPROVED

ADJOURNMENT

Motion by Carcone, second by Cash

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 9:23 p.m.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash
Clerk