

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
December 7, 2009

Approved: January 4, 2010 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: 16

Also Present: Chris Doozan, McKenna Associates
Phillip Seymour, Township Attorney
Ron McClain, Fire Chief
Leslie Zawada, Giffels/Webster
Al Hogan, Building Official

APPROVAL OF THE CONSENT AGENDA

Approval of the Regular Meeting Minutes of October 5, 2009
Approval of the Special Meeting Minutes of October 28, 2009
Approval of the Regular Meeting Minutes of November 2, 2009
Approval of the Special Meeting Minutes of November 18, 2009
Approval of Disbursements
Building Department Report for October 2009
Fire Department Reports for October 2009
Zoning Reports for October 2009
Engineer Status Report for October 2009
Revenue/Expenditure Report Through October 2009
Approval of the 2010 Meeting Schedules and Holidays

The Special Meeting Minutes of October 28, 2009 were removed from the Consent Agenda due to Mr. Fletcher not being in attendance at that meeting.

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

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Treasurer Carcone explained that Abbey Park is holding a tree decorating contest and she encouraged residents to stop in and cast their vote at Abbey Park for the township's Christmas tree. All of the money raised will be donated to Active Faith.

Mr. Bell invited the Board to attend the Michigan Economic Development Corporation on December 17, 2009 at 9 a.m. at the Township Hall.

Mr. Mark Zupmore gave a brief presentation explaining the DTE Garden Project. He would like to increase the number of volunteers working at the garden so that they can provide more locally grown fresh produce for Gleaners Community food bank as well as Active Faith.

CALL TO THE PUBLIC

None – there were no members of the audience wishing to comment.

APPROVAL OF AGENDA

Supervisor Young added item E. under Unfinished Business to reconsider a 5 REU repurchase request. Clerk Cash added item H under New Business for the Recapture of 2007 Community Development Block Grant Funds.

Motion by Hicks, second by Carcone
To approve the agenda as revised.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

UNFINISHED BUISNESS

A. Amendments to the Zoning Ordinance, Private Road Ordinance, Subdivision Ordinance, Bicycle Path and Sidewalk Ordinance.

Mr. Doozan reviewed the McKenna Associates memo dated November 13, 2009 which reviewed the additional language.

Motion by Hicks, second by Carcone
To adopt the second reading of the ordinance regarding the Private Road Ordinance.

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

MOTION APPROVED

Motion by Hicks, second by Carcone
To adopt the second reading of the ordinance regarding the Zoning Ordinance.

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

MOTION APPROVED

Motion by Hicks, second by Carcone
To adopt the second reading of the ordinance regarding the Subdivision Ordinance amendments.

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

MOTION APPROVED

Motion by Hicks, second by Carcone
To adopt the second reading of the ordinance regarding the Bicycle Path and Sidewalk Ordinance.

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

MOTION APPROVED

B. Planning Commission Appointments

Supervisor Young explained that the interview committee was only able to conduct one interview and he requested that this item be tabled until the January meeting.

Motion by Carcone, second by Dolan
To table the Planning Commission Appointments until the January 2010 meeting.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

C. Sewer Plant Monitoring Well Relocation Consideration

Mr. Fletcher questioned a \$500 dollar charge on the bid. Mr. Dewyre explained that it is a

contingency fee regarding unknown conditions; the number can be adjusted to a number everyone would be comfortable with. Mr. Dewyre explained that if there is a variation in scope it could go into two days versus one day.

Motion by Carcone, second by Cash

To approve the professional services of BCI for the movement of the monitoring well installation and reporting in an amount not to exceed \$6,895.00.

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

MOTION APPROVED

D. 2010 Budget Considerations and Amendments

Supervisor Young reviewed his memo dated December 7, 2009 outlining the proposed amendments to the budget for the following departments:

- Engineering
- Citizens Programs
- Downtown Development Fund
- Police Operating Fund

Motion by Fletcher, second by Dolan

To amend the 2009 budget to consider these items per the letter dated December 7, 2009.

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

MOTION APPROVED

Motion by Carcone, second by Dolan

To approve the General Fund 2010 budget as presented.

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

MOTION APPROVED

Motion by Carcone, second by Cash

To approve the Building Department draft 2010 budget.

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

MOTION APPROVED

Motion by Carcone, second by Hicks

To approve the DDA 2010 budget.

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

Nays: None

MOTION APPROVED

**Motion by Carcone, second by Hicks
To approve the Library 2010 budget.**

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

MOTION APPROVED

**Motion by Carcone, second by Hicks
To approve the Park Fund 2010 budget.**

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

MOTION APPROVED

**Motion by Carcone, second by Dolan
To approve the Road Improvement Fund 2010 budget.**

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

MOTION APPROVED

**Motion by Carcone, second by Hicks
To approve the Police Operating Fund 2010 budget.**

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

MOTION APPROVED

Supervisor Young briefly reviewed the Sewer Enterprise Fund.

E. Nick Mancinelli and Nick Canzano request to repurchase 5 REU's

Treasurer Carcone explained that the Board set up a sub committee to consider the repurchase of 5 REU's. The sub committee has been meeting but has come to an impasse so it's been brought to the Board for consideration.

Supervisor Young explained the history of the property. Mr. Fletcher stated that he was comfortable with the buy back but he felt an easement must be retained in order to run the sewer down the south parcel. Mr. Hicks supported Mr. Fletcher's comment. Mr. Canzano stated that they were planning on developing the whole parcel at one time, however, in none of the approvals was there ever an easement requested; there is no easement of record currently granted. Supervisor Young asked if they owned an option on that. Mr. Canzano stated they had an option to purchase. Mr. Canzano stated they are petitioning the difference between 24 and 19 REU's which was based on their best estimation based on the township,

they didn't know what the property would hold at the time, it was common knowledge that they would take this much and if it's wrong it would be adjusted later.

Mr. Mancinelli stated that that if they were to develop the property there would have been easements granted at the time of construction. Now it is being split into 9 lots because they feel this may be the only way to realize a profit. Mr. Mancinelli continued that they don't know if they are going to connect sewer on these lots, they could put 9 septic fields, he finds no reason that the reduction of 5 REU's should be tied into any easement going back to Maggie Hasenclever's property, it has nothing to do with their request. Although, if they were going to develop like they were supposed to and things had turned out that way at one time they would have created easements for this sewer. It has nothing to do with it at this point in time. They are asking for a reduction of REU's based on the lack of ability to use them. Mr. Mancinelli stated that the ordinances should not be that way, if you can't use it, you can't sell it or transfer it, something's wrong with that. He would not grant an easement to the property but is asking for a reduction for the REU's.

Mr. Dolan asked if Mr. Mancinelli made an agreement to purchase the REU's from the township. Mr. Mancinelli stated yes. Mr. Mancinelli stated that all they can use if they develop the property to the ordinances and standards of this community is 19 lots, they are not going to do that, they are proposing 9 big lots. Mr. Hemker stated that the problem is the township does not make anyone buy the REU's and when people purchase those they know that they can't transfer them or sell them.

Mr. Fletcher stated that the entire sewer district was designed on certain assumptions. Mr. Mancinelli stated that was the way it used to be but that's not the way it is today.

Mr. Canzano stated that the ordinance does not provide for an option in selling the REU's. Mr. Mancinelli stated that the only reason they didn't put 48 on their property was the township's ordinance. Mr. Mancinelli stated that he would not grant an easement o Maggie Hasenclever's property. There was brief discussion regarding the sewer path.

Motion by Hicks, second by Fletcher

To re-purchase the 5 REU's contingent upon a 20' public utility easement provided to the southern property line.

There was brief discussion as to how Mrs. Hasenclever became involved in this project.

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

MOTION APPROVED

NEW BUSINESS

A. Revised District Compliance Agreement with the MDEQ

Ms. Zawada explained that several months ago, Giffels-Webster Engineers requested that the Michigan Department of Environmental Quality amend the District Compliance Agreement to

delay the expansion of the Wastewater Treatment Plant. A two year extension was obtained.

Motion by Hemker, second by Cash

To adopt the amended District Compliance Agreement with the MDEQ and grant the authority to the Supervisor to send a letter to the Road Commission.

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

MOTION APPROVED

B. Agreement with the Resources Commission for work in the Blackwood Drain

Ms. Zawada explained that the agreement by the Water Resources Commission is requesting a formal agreement approved by the township. Everything that was requested in the agreement was already proposed on the plan and part of the permit. She expects to see more of these in the future.

Motion by Fletcher, second by Hicks

To approve the agreement with the Resources Commission for work in the Blackwood Drain for the west beds construction.

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

MOTION APPROVED

C. Funding Options for Proposed Orchards of Lyon Paving SAD

Supervisor Young explained that this has been going on for some time and there is a real desire to get the second lift on the road. Ms. Zawada explained that there was a meeting held with the homeowners association to discuss the procedure of establishing the SAD. It is possible for the township to fund an SAD through its general fund instead of selling bonds. The procedure for the SAD establishment would not change, only the financing. Ms. Carcone explained how the township could establish an SAD through the general fund.

The consensus of the Board was to direct Giffels-Webster to move forward with the township providing financing through the general fund.

**D. Resource Recovery & Recycling Authority of Southwest Oakland County
(R.R.R.A.S.O.C.)**

Mr. Mike Csapo reviewed a draft agreement for the hazardous waste collection program. Concerns were raised regarding the cost and the amount of residents that would use the public service. The fee is \$50.00 per car and based on the history of participation it could be \$5,000-\$10,000 per year.

Motion by Hicks, second by Cash

To enter into the agreement with R.R.R.A.S.O.C as per the agreement submitted.

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

Nays: Carcone, Hemker, Dolan

MOTION APPROVED

E. Oakland County Sheriff Service Contract

Mr. Seymour explained that the form of the contract with the exception of paragraph 18 is the same as in the past. The indemnification procedure with respect to this contract has changed. The Township is liable for its negligence and will pay for its negligence and the County is liable for its negligence and will pay for its negligence. Supervisor Young explained that the fee schedule is comprehended in the budget.

Motion by Fletcher, second by Dolan

To adopt the 2010 Law Enforcement Service Agreement between Oakland County Sherriff's office and Charter Township of Lyon.

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

Nays: None

MOTION APPROVED

F. Fire Training Building Discussion

Supervisor Young has a proposal from Associated Construction Services and they suggested considering construction management. He would like to get together with a committee and bring it back to the January meeting to move forward.

G. Resolution Opposing Smart Millage Levy

Motion b y Cash, second b y Hicks

To oppose the elimination of local control for the smart millage levy

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

Nays: None

MOTION APPROVED

H. Recapture of 2007 Community Development Block Grant Funds

Mr. Doozan referred to the McKenna Associates memo dated October 13, 2009 explaining that the unused 2007 Community Development Block Grant funds are subject to recapture by the

County at the end of this year unless the Township requests an extension or waiver from recapture. A draft resolution to waive recapture of the unused funds has been prepared.

Motion by Hemker, second b y Dolan

To adopt the resolution request of waiver of recapture of 2007 Community Development Block Grant Funds

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

MOTION APPROVED

Motion by Carcone, second by Hemker

To approve the Special Meeting Minutes of October 28, 2009.

Voice Vote: Ayes: 6
Nays: 0
Abstain: Fletcher

MOTION APPROVED

State Legislator Hugh Crawford commented on the lack of funds available for the State. County Commissioner Jeff Potter presented a manual that outlines the grim outlook for Michigan for the next 3 years in terms of budget and tax issues.

ADJOURNMENT

Motion by Dolan, second by Cash

To adjourn the regular meeting at 9:18 p.m.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

The Regular Meeting of the Board of Trustees was adjourned at 9:18p.m.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash
Clerk