

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
March 1, 2010

Approved: April 5, 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
John Hicks, Trustee
Lannie Young, Supervisor

Absent: Brent Hemker, Trustee

Guests: 22

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

APPROVAL OF THE CONSENT AGENDA

Approval of the Regular Meeting Minutes of February 10, 2010

Approval of Disbursements

Building Department Report for January 2010

Fire Department Reports for January 2010

Zoning Reports for January 2010

Engineer Status Report for January 2010

Highland Treatment Plant Rate Increase

Mr. Fletcher had a few questions regarding the Highland Treatment Plant rate increase for mileage and asked that it be removed for discussion.

Motion by Hicks, second by Fletcher

To approve the Consent Agenda with the removal of the Highland Treatment Plant Rate Increase.

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Ms. Teasdale, Library Director reviewed the annual report for 2009 regarding the Library.

Mr. Hicks reported that the Township will be celebrating its 176th birthday on March 7, 2010.

CALL TO THE PUBLIC - None

APPROVAL OF AGENDA

Clerk Cash added item 9h. Resolution fro the MTA Defense Fund.

Supervisor Young added property acquisition under the Executive Session.

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

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

MOTION APPROVED

UNFINISHED BUISNESS

A. Fire Accessory Building

Supervisor Young explained this item was tabled from last month for further consideration. He explained that Rand Construction and Associated Construction were in attendance to answer any questions.

Brian and Ken McQuade, owners of Associated Construction, explained that there would be a Project Supervisor in the field each day for two hours and a Project Manager on the job site for two hours each day. Mr. McQuade explained that the work should take about 6-8 weeks to complete. Mr. McQuade also explained that the work can be accomplished with one person and can accommodate both functions with the assistance of technology. He continued that they knew this would be competitive and they have been in business for 25 years and it would be a profitable project for them at 7%.

Mr. McQuade explained that they meet with their subcontractors daily and it was a convenient project for their company in regards to location, which allows them to be competitive.

Trustee Dolan asked how the dumpster, clean up would be handled. Mr. McQuade stated it was their responsibility and it would be done within the 7%.

Mr. Andy Kline from Rand Construction explained that they would have a Superintendent and a Project Manager, two individual people. The Project Manager would work with the township to put the proper specifications together. The Superintendent would be in the field.

He explained that there is nothing more important than running a safe site and having a person there making sure the job is done properly and safely.

Motion by Carcone, second by Hicks

To hire Associated Construction Services Corporation for the contracted fee of 7% in the letter dated 1-7-2010.

Trustee Dolan asked for confirmation that the township would not see a bunch of change orders and that the job would be done for this amount of money and there would be sufficient supervision. Mr. McQuade stated that they will.

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

MOTION APPROVED

B. Second Reading of Planning Commission Membership Ordinance Amendment

Mr. Quinn explained that this is the second reading to bring the Planning Commission membership into accordance with the Michigan Planning Enabling Act and it's ready for final approval.

Motion by Hicks, second by Fletcher

To adopt the second reading of the ordinance to amend the Charter Township of Lyon Code of Ordinances, Chapter 34. Planning Article II. Planning Commission, Section 34-31. Established: Membership and Section 34.33 Rules, Regulations, Duties and Authority to adopt the provisions of the Michigan Planning Enabling Act as it pertains to Planning Commission membership.

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

MOTION APPROVED

C. Back Up Generator for Sewer Waste Water Treatment Center

Supervisor Young explained that the current generator was used 9 times in the last 2 years. He reviewed the two generators that were being considered and he asked if the township wanted another back up generator. Supervisor Young explained that another generator was requested by the sewer operator. Treasurer Carcone raised the concern over possible flooding affecting the residents that pay for the sewer fee.

Motion by Carcone, second by Cash

To purchase from Bridgeway Cummings a generator per quote dated January 28, 2010 in the amount of \$34,956.00 to benefit the sewer customers.

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

MOTION APPROVED

D. Special Events Request for Injured Soldiers

Mr. Quinn provided a memo to set forth what the township's review procedures are. He explained what the procedures are as listed in the memo dated 2/18/10.

Motion by Cash, second by Hicks

To approve the Injured Soldiers event for July 17, 2010 subject to the receipt of the Michigan Liquor Control Commission one day permit subject to the approval of the Sheriff's department, subject to the approval of Administrative Committee for site plan review, subject to the township being named on a liquor liability policy in the amount of 1 million dollars and subject to a cash bond of 500 dollars.

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

MOTION APPROVED

E. Copperwood PD 4th Amendment

Mr. Quinn explained that nothing has been heard and he recommended that it stays tabled.

Motion by Fletcher, second by Cash

To table until the April 2010 Board meeting.

Voice Vote: Ayes: Unanimous
 Nays: None
 Absent: Hemker

MOTION APPROVED

F. Committee Report on Repurchase of Regiero REU's

Treasurer Carcone explained that the committee did not have a chance to meet and she requested that it be tabled for another month.

Motion by Carcone, second by Fletcher

To table until the April 2010 Board meeting.

Voice Vote: Ayes: Unanimous
 Nays: None
 Absent: Hemker

MOTION APPROVED

NEW BUSINESS

A. Consideration: Canzano Lot #74 REU Repurchase

Treasurer Carcone explained that there are monies owed to the township from Canzano and if the township repurchases the REU she would like to see that money subtracted from the REU buy back.

Mr. Quinn recommended that Canzano should amend their subdivision plan and remove the lot that is deemed to be unbuildable due to trash from the old dump being found during excavation before the REU is repurchased.

There was consensus of the Board members to repurchase the REU with the stipulation that the bill is paid and the subdivision plan is amended.

Motion by Hicks, second by Fletcher

To table the Canzano Lot #74 REU Repurchase indefinitely until they go through the Planning Commission and amend the subdivision plan.

Voice Vote: Ayes: Unanimous
Nays: None
Absent: Hemker

MOTION APPROVED

B. South Lyon Mobil Station/Sub Shop Mr. Ronnie Jamil

Mr. Crandall reviewed the Giffels-Webster memo dated February 19, 2010. He explained that during the process of calculating the REU's they found that there was a Tubby's Sub Shop located in the gas station. Per the Township's ordinance, a sub shop of that type is an additional 1.8 REU of sewer capital charges, which at the current rate would be \$19,164.60. When this was explained to the owner he said that he could not afford to pay the additional chargers and he would close the sub shop. The Township agreed to not charge him the additional 1.8 REU's and would allow pre-made subs to be sold if the Tubby's signage and tables were removed as well as closing the drive-thru.

Mr. Jamil explained that he purchased the property as is 7 years ago with the existing sub shop but it wasn't Tubby's. A few years ago Mr. Jamil bought the franchise of Tubby's and put it in the station. Knowing that the property was already assessed for the purpose of that type of business he was surprised with the additional REU charge. Mr. Jamil explained that the sub shop is very small, they do maybe 10-20 sandwiches a day and to pay the extra fee was not worth it. The chairs were extra seating while the sub is being prepared, there is not a sit down place and they don't use more water to justify that cost. To keep the back part vacant would really hurt his business, he is requesting to put the sign back but would keep the drive-thru closed. Mr. Jamil confirmed that the sub shop was there when he bought the business.

There was brief discussion as to why the sign was connected to the REU's and what kind of calculation was used to get to the amount of REU's.

Motion by Carcone, second by Fletcher

To allow the South Lyon Mobil Station to reinstate the Sub Shop to using the current REU's of 3.12.

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

MOTION APPROVED

C. Charter Township of Lyon Retiree Healthcare

Trustee Fletcher reviewed the proposed Retiree Healthcare changes and explained that the sub-committee was unanimous regarding this issue. The changes would only affect future hires. Supervisor Young suggested incorporating a date on the document and once the committee comes up with the language to have Mr. Quinn look it over to make sure everyone is on the same page.

Supervisor Young asked if there were any questions from the staff that was in attendance. There were no comments from any present staff members.

D. Lyon Township Healthcare Recommendation

Trustee Fletcher stated that the sub-committee also looked at the current health care benefits. There is no right or wrong answer but one of the things that would present a problem was the increasingly high premium. Various ways were discussed that would have the employee share in the cost as opposed to the Township paying 100%. Supervisor Young briefly reviewed a spreadsheet regarding employee healthcare costs. Trustee Fletcher stated that the cost has been driven down due to taking on higher deductibles and if people got sick that would be used up quickly.

Trustee Fletcher stated that the self-insured number needed to be run to make sure the appropriate amount of money is being set aside.

Supervisor Young explained that nothing would happen this year with the health care but it needed to be investigated for the future. He also asked if there were any comments from the audience and there were none.

E. Zoning Enforcement Officer

Supervisor Young explained how the Zoning Enforcement is done. Supervisor Young would be the lead person to take the complaint and then Dave Harriman would go out and do the investigation. When he comes back, Ms. Nelson will keep the log and will be supplying the 10-

day letters of notification. Supervisor Young asked for the authority to be an interim Zoning Enforcement Officer and secondly that Mr. Harriman is paid \$30 per inspection, which is the current price.

Motion by Fletcher, second by Hicks

To authorize to pay Dave Harriman \$30 per visit per investigation for Zoning Enforcement Issues.

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

MOTION APPROVED

Motion by Cash, second by Carcone

To reinstate the \$30 fee for inspections.

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

MOTION APPROVED

F. Plan Review, Inspection Compensation

Supervisor Young explained that the charge for a single, family review plan is \$100 and that fee is split between the Inspectors. Currently, the Township does not collect any fee for additions, decks, garages or pole barns. The proposed fee schedule is as follows:

- Garages – \$30
- Pole Barns – \$35
- Decks –\$20
- Additions - \$80
- Single family plan review \$100
- And the planned reviewer would receive half of the fee amount for compensation.

Motion by Hicks, second by Cash

To approve the fee schedule as discussed, \$100 for single family plan review, \$80 for additions, \$30 for garages, \$35 for pole barns and \$20 for decks with the inspector receiving 50% of the rate for the plan review.

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

MOTION APPROVED

Motion by Fletcher, second by Cash

To name Supervisor Young as an interim Zoning Enforcement Officer by resolution.

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

MOTION APPROVED

- **Request Two Special Meetings**

Supervisor Young requested a special meeting for March 8, 2010 at 8:00 a.m. to award the contract for the S.W. segment of the ring road. A second meeting for a Bond Resolution for Finance was also scheduled for March 16, 2010 at 8:00 a.m.

H. Resolution regarding MTA Legal Defense Fund application for Assistance

Mr. Quinn stated this was not an unusual request and in order to fill the request a resolution and application needed to be filed.

Motion by Hicks, second by Cash

To adopt Resolution regarding MTA Legal Defense Fund application for Assistance.

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

MOTION APPROVED

10. Items removed from the Consent Agenda for discussion

Trustee Fletcher questioned an increase in the mileage reimbursement. He felt it should be at the current rate and it should reference it in any agreement. Supervisor Young asked that the increase be considered with the change and he would go back to Highland Treatment he did not think there would be an issue with the change.

Motion by Fletcher, second by Carcone

To approve the agreement with Highland Treatment Inc. for \$7800 per month and the rates would be billed for \$70 and mileage at the current IRS approved rate.

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

MOTION APPROVED

ADJOURNMENT

Motion by Cash, second by Carcone

To adjourn the regular meeting and move into Executive Session at 9:23 p.m.

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

MOTION APPROVED

Board of Trustees entered into Executive Session at 9:26 p.m.

Motion by Carcone, second by Cash
To reopen the regular meeting at 9:41 p.m.

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

MOTION APPROVED

Supervisor Young asked that the Agenda be amended to consider the Keeran proposal.

Motion by Carcone, second by Hicks
To approve the amended agenda.

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

MOTION APPROVED

Motion by Carcone, second by Hicks
To enter into a purchase agreement with Mr. Thomas Keeran at 57533 Pontiac Trail, New Hudson, MI 48165 as outlined in the Purchase Agreement for Real Property for \$20,000.00 of right-of-way parcel and \$6,000.00 for trees, subject to DDA approval.

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

MOTION APPROVED

Motion by Carcone, second by Cash
To adjourn the regular meeting at 9:43 p.m.

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

MOTION APPROVED

The Regular Meeting of the Board of Trustees was adjourned at 9:43 p.m.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash
Clerk