

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
June 7, 2010

Approved: July 6, 2010 as written

The meeting was called to order by Supervisor Young at 7:02 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: 26

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

Supervisor Young excused Mr. Hemker's absence.

APPROVAL OF THE CONSENT AGENDA

Approval of the Regular Meeting Minutes of May 3, 2010

Approval of Disbursements

Building Department Report for April 2010

Fire Department Reports for April 2010

Zoning Reports for April 2010

Engineer Status Report for April 2010

Sheriff's Triannual Report

Michigan Association of Municipal Clerks

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

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Treasurer Carcone reported that South Lyon Community Schools Board of Education was voting on an increase of the debt millage to 2 mills.

Chief McClain introduced Nick Kaczor as Lyon Township's newest Fire Fighter and Clerk Cash performed the swearing in ceremony.

Troy Weidman and Brian Clark from New Life Center explained about what they are offering at a building located on Mill Street which provides kids a safe place to go and hang out. The building offers batting cages, a gym and a weight room. The suggested donation is \$3.00 per visit.

Kerry Bentavolio explained that he is running for the Republican seat for the Michigan Senate for Oakland County.

Mr. Bell reported on the success of the Kite Festival.

CALL TO THE PUBLIC

Jim Chuck –He commented on grass cutting and questioned the occupancy of the new Rite Aid that closed on Ten Mile.

Jerry Borowski – He reported the dangerous conditions on the bike path and explained that the bushes needed to be cut. He also questioned an amount of money that was to be used for the bike path.

APPROVAL OF AGENDA

Clerk Cash added item e. under unfinished business for the film permit application. Mr. Hicks added discussion of moving the pavilion under New Business as well as discussion regarding charging a fee for the maintenance of the community center and fire stations. Supervisor Young clarified that Executive Session would be discussing Property Acquisition.

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

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

MOTION APPROVED

PUBLIC HEARING – Orchards of Lyon Condominium Phase I Road Paving Improvements

Ms. Zawada explained that the total cost of the SAD is \$153,522.50 which is a total cost of \$1,705.81 principal amount per lot.

Supervisor Young opened the Public Hearing at 7:32 p.m. and closed it due to no one wishing to comment.

UNFINISHED BUISNESS

A. Resolution confirm the Orchards of Lyon Phase I Road Paving Improvements Special Assessment Roll

Mr. Quinn explained the process.

Motion by Hicks, second by Carcone

To approve the Resolution confirming the Orchards of Lyon Condominium Phase I Road Paving Improvements Special Assessment Roll.

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

MOTION APPROVED

B. Orchards of Lyon Paving SAD Contract Award

Ms. Zawada explained that a total of 4 bids were received with F. Allied Construction being the low bidder at \$129,975.00 and recommended that the Township award the contract to F. Allied Construction.

Motion by Hicks, second by Hicks

To award the contract for the Orchards of Lyon Paving SAD to F. Allied Construction in the amount of \$129,975.00 contingent on receiving the required bonds and insurance.

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

MOTION APPROVED

C. Second Reading Medical Insurance for Retiree's Eligibility Ordinance Amendment

Treasurer Carcone explained that there was some verbiage that needed to be added and that Mr. Quinn agreed. She explained that she also spoke to Mr. Hemker and that he was aware that she wanted to table the issue.

Motion by Carcone, second by Cash

To table the Second Reading Medical Insurance for Retiree's Eligibility Ordinance Amendment.

Roll Call Vote:	Ayes:	5
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Nays: Fletcher
Absent: Hemker

MOTION APPROVED

D. Second Reading Proposed Film Ordinance

Mr. Quinn explained that the second reading was in proper form and ready for adoption. Clerk Cash referred to some typographical errors that she found.

Motion by Cash, second by Carcone

To approve the second reading of the ordinance for adoption for motion pictures with the corrections in spelling.

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

MOTION APPROVED

E. Film Permit Application

Mr. Quinn clarified that the removal of names has been done and it's ready for approval.

Motion by Cash, second by Hicks

To approve the Film Permit Application, Fee Schedule, Hold Harmless Agreement, and Filming Permit Relief.

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

MOTION APPROVED

NEW BUSINESS

A. Petition filed by the Noricks/Torakis – Rezoning

Mr. Doozan reviewed the McKenna Associates memo dated April 27, 2010

Motion by Dolan, second by Hicks

To approve the application for the amendment to the Zoning Map from R-1.0 Residential Agricultural to B-2 Commercial Business and RM-2 Multiple Family Residential as detailed in McKenna Associates memo dated April 27, 2010.

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

Nays: None
Absent: Hemker

MOTION APPROVED

B. Petition Filed by Noricks/Torakis for Administrative Relief

Mr. Quinn explained the Prayer for Relief petition.

Mr. Leavitt explained that he represents the petitioner and he explained that his client has only one asset, which is the property that has been approved for rezoning. He continued that the petitioner had tried to sell the property but the problem was the rezoning. Three deals fell through at that time. That leaves his client with a problem in paying the current taxes. He explained that Oakland County granted a deferment. He requested for deferment of taxes on the SAD until the property is sold.

There was brief discussion among the Board members.

Motion by Carcone, second by Cash
To deny the administrative relief for the petitioners request as outlined in Matt Quinn's letter dated April 15, 2010 including numbers 1, 2, 3 and 4.

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

MOTION APPROVED

C. Resolution to Transfer Liquor License to Tina's Lyon Cantina LLC

Representing Tina's Lyon Cantina: Victor and Cetina Camaj, 6932 Willow Road, West Bloomfield, MI 48324

Mr. Quinn explained that the township needs to check that the applicant is current with the taxes and the requirements for the new entertainment permits have been met.

Motion by Fletcher, second by Dolan
To approve contingent upon completing the application and paying the fee to authorize the Clerk and the Supervisor to complete the information.

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

MOTION APPROVED

D. Discussion of Eight Mile Paving

Supervisor Young explained that the RCOC has secured a \$1.25 million in federal funds from the Huron Valley Federal Aid Committee for this paving project. The Township has the option of using available Tri-Party Program Funds to cover the Township’s share. Concerns were raised regarding what the benefits would be to the residents of Lyon Township.

After discussion Supervisor Young explained that he would bring back more information at the next meeting.

E. Tractor Supply Co. Planned Development Amendment (AP-10-02b)

Representing Tractor Supply: Steve Witte, Project Manager, Nederveld
Chris Kettler, DMK Development
Anthony Antone, Kojaian Management Corp.

Mr. Witte gave a brief recap of the project and explained that the Planning Commission approved the site plan. He explained the request for the PD amendment which would allow for the activities that Tractor Supply has and alter the building materials façade.

**Motion by Hicks, second by Fletcher
To approve the 3rd amendment to the PD Agreement for Lyon Crossing including #1,2,3,4 and 5 of the proposed draft agreement.**

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

MOTION APPROVED

F. Proposed Amendment to the Zoning Ordinance Dealing with Allowable Uses

Mr. Quinn explained that this is the first reading pertaining to the Medical Marijuana Act.

**Motion by Cash, second by Hicks
To approve an Ordinance to amend the Charter Township of Lyon Zoning Ordinance, Article 12.00. General Provisions, Section 12.02. Allowable Uses to prohibit any proposed uses or enterprises or purposes that are contrary to Federal, State or Local Laws or Ordinances.**

Jerry Borowski – He commented on the Medical Marijuana Act.

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

Nays: None
Absent: Hemker

MOTION APPROVED

G. Resolution to Recognize South Lyon Girls Swim & Dive Boosters as a Nonprofit Organization in the Community.

Marcia Thelen explained that the South Lyon Girls Swimming and Diving Booster Club requested a resolution be passed by the Board stating that their organization is a recognized nonprofit organization in the community. This resolution is one of the "Local Civic Organization Qualification Requirements" for the State of Michigan Charitable Gaming Division. Upon receiving approval they plan on conducting a raffle to raise funds to support the swim team.

Motion by Carcone, second by Cash

To approve the resolution recognizing South Lyon Girls Swim & Dive Boosters as a non-profit organization in the community with Charter Township of Lyon.

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

MOTION APPROVED

H. Agreement for Wireless Facilities Review

Mr. Doozan reviewed the McKenna Associates memo dated May 24, 2010 outlining the proposal from CMS, a national wireless consulting firm that works not for the wireless industry but exclusively for municipalities at no cost to the community.

After discussion, Supervisor Young stated that he would have CMS come in and present this to the Board.

I. Service Agreement for Movies in the Park

Treasurer Carcone explained that the estimated fee for the movie night would be between \$75.00-\$100.00. There were some minor changes made to the agreement.

Motion by Carcone, second by Young

To approve the South Lyon Area Recreation Authority Release of Liability Waiver and Service Agreement with changes as follows:

*** Compensation not to exceed \$100.00 per movie**

- * **The policies and procedures submitted, approved and reviewed by the Township attorney.**
- * **and with the agreement of naming Lyon Township Movie in the Park.**

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

MOTION APPROVED

J. Wellhead Protection Discussion

Ms. Zawada explained that currently there is an opportunity to get grant funding if the Board authorizes BCI and GWE to proceed with the grant application. She explained that part of this project is to complete the delineation of the Woodwind Well. The aquifer boundary has never been mapped for this well, which is the primary well that services the Township and the only well with an iron removal facility. Developing the Wellhead Protection Plan would allow the Township to specify what is allowed over the aquifer boundaries and would be an aid to the Township. The plan would also provide a contingency plan if it becomes contaminated. The due date for the grant application is June 15th. GWE and BCI have agreed to waive the \$3,000 fee for the application costs if the grant does not get approved. The cost could come from the water enterprise fund as part of the 2011 budget year so the monies would not be spent in 2010.

The Board was in agreement that the Township has to be responsible for the well head areas.

Motion by Carcone, second by Fletcher
To approve the \$3,000 for Giffels/Webster and BCI move forward with the grant application.

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

MOTION APPROVED

K. Billboard Sign Discussion

Mr. Quinn explained that a proposal has been brought forth concerning the possibility of the DDA funding the construction of three billboards along Interstate I-96. An amendment to the Sign Ordinance would be needed. Mr. Quinn explained that the DDA would fund the construction and pay from the first revenue and then the Township would keep the revenue thereafter.

Supervisor Young explained how much money this could potentially make for the township.

Concerns were discussed regarding the Township not allowing signs.

Shirley Baker – She commented on the signs.

Supervisor Young felt that more discussion was needed and he would ask for a presentation as well.

L. Zoning Enforcement Officer Consideration

Supervisor Young explained that he engaged Mark Venus to help provide candidates for this legal position. After interviewing he asked that the Board authorize him to hire Dennis Davis at a rate of \$15.00 per hour to work 24 hours or less per week as the Township Ordinance Officer.

Motion by Carcone, second by Hicks

To authorize the Supervisor to hire Dennis Davis as the Zoning Enforcement Officer at a rate of \$15.00 per hour, 24 hours or less per week.

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

MOTION APPROVED

M. Discussion of Moving the park pavilion

Mr. Hicks felt it was time to move the pavilion down. Supervisor Young explained that the pricing for moving it has been done and it was a budgeted amount. Supervisor Young explained what he will put a bid package together.

N. Maintenance of Community Center and Library

Mr. Hicks felt that a deposit should be charged for the maintenance of the Community Center and Fire Station when it's rented out for use.

Supervisor Young stated that he would meet with the interested parties and bring back a proposal.

ADJOURNMENT

Motion by Carcone, second by Cash

To adjourn the regular meeting and move into Executive Session at 10:15 p.m.

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

MOTION APPROVED

Board of Trustees entered into Executive Session at 10:15 p.m.

The Regular Meeting of the Board of Trustees was adjourned at 10:15 p.m.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash
Clerk