

Charter Township of Lyon  
Board of Trustees  
Regular Meeting Minutes  
October 4, 2010

Approved: November 1, 2010

The meeting was called to order by Supervisor Young at 7:05 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: 10

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

**APPROVAL OF THE CONSENT AGENDA**

**Approval of the Regular Meeting Minutes of September 7, 2010**

**Approval of Disbursements**

**Building Department Report for August 2010**

**Fire Department Reports for August 2010**

**Zoning Reports for August 2010**

**Engineer Status Report as of August, 2010**

**Sheriff's Triannual Report, January-August 2010**

**Acceptance of Grant of Permanent Sanitary Sewer Easement from Halle Properties, LLC for Parcel 21-03-151-026**

Mr. Dolan asked that the McKenna bill be removed for discussion.

**Motion by Hicks, second by Carcone**

**To approve the Consent Agenda with the removal of the McKenna item.**

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

**MOTION APPROVED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

Clerk Cash reminded residents that November 2, is Election Day.

Chief McClain reminded residents that this is Fire Prevention Week and to check their smoke detectors. He also reported that the purchase of the Fire Truck from Farmington has been completed. The purchase was made for a total of \$20,000.00

**CALL TO THE PUBLIC**

**Shirley Baker-** She questioned how emergency calls are dispersed. Chief McClain explained how the system works.

**APPROVAL OF AGENDA**

Mr. Dolan added Planning Commission discussion as item H and the Fire Accessory Building update as Item I. Supervisor Young added after Executive Session to reconvene for litigation discussion.

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

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

**MOTION APPROVED**

**UNFINISHED BUISNESS**

**A. Second Reading AP-10-08 Fence Ordinance Amendments**

Mr. Hemker explained that the drawing still needed to be relabeled. Mr. Doozan stated that it would be taken of. Mr. Doozan explained that the ordinance was ready for approval

Carol Levitt – She commented on the Fence Ordinance.

**Motion by Dolan, second by Hicks  
To approve the second reading of the Fence Ordinance Amendments AP-10-08  
including the change in the drawing.**

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

**MOTION APPROVED**

**B. Second Reading AP-10-05 Rezoning Sign Requirements**

Mr. Doozan stated the requirements are ready for approval.

**Motion by Carcone, second by Hemker**

**To approve the second reading of AP-10-05 Rezoning Sign Requirements.**

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

**MOTION APPROVED**

**NEW BUSINESS**

**A. Minor in Possession of Alcohol Ordinance**

Mr. Quinn explained that this amendment to the Ordinance states that a police officer “may request” the minor to submit to a preliminary chemical breath analysis rather than stating that the officer “may require”. It also removes the civil infraction penalty as that is no longer applicable.

**Motion by Hicks, second by Carcone**

**To adopt the first reading of the ordinance regarding offenses affecting underage persons for alcohol and liquor violations.**

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

**MOTION APPROVED**

**B. Second Land Auction**

Treasurer Carcone reviewed the delinquent taxes that were billed back to the Township. There was brief discussion regarding the breakdown.

**C. Consider Donation of Property on Martindale Road**

Supervisor Young explained that he received a letter from Mrs. Yeager, which asked if the Township would consider a donation of some property located on Martindale Road. It is located by the bike trail. There are some taxes that are owed on the property and there would be the cost of title work.

Treasurer Carcone explained the taxable value of the property is \$5690.00. Yearly taxes are

approximately \$283.41.

**Motion by Carcone, second by Hicks**

**To accept the donation of the property identified as parcel number 21-17-451-001 and allow the Supervisor and Treasurer pay the amount of the back taxes and the title insurance premium and subject to final approval of the deeds and other paperwork by the Township Attorney.**

Mr. Fletcher asked that all pertinent information be included in the packet.

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

**MOTION APPROVED**

**D. Resolution Concerning Six Points Drainage District Special Assessment District**

Supervisor Young explained that this project was a Drain Commission project, which is now the Water Resource Commission. The Township contributed to the project through a grant and some special assessment dollars to try and fix the drainage problem at the intersection of Grand River and Milford Road. The bottom line is that the Township did not administer the project or run the project; it was done by the Water Resource Commission, as the letter states, problems arose underground with telecommunication cables among other things.

Mr. Crandall explained that the flooding in that area has been a long historic problem. In September of 2000 there was a significant flood and a grant was obtained for \$350,000. He explained the history of the participation. In the spring of this year the grant needed to be closed out and he was notified that it was over budget. Mr. Crandall reviewed the summary of additional construction costs.

**Motion by Fletcher, second by Dolan**

**To deny the resolution to determining necessity of amending project costs and amending special assessment roll for the Six Point Storm Sewer Improvement Special Assessment District.**

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

**MOTION APPROVED**

**Motion by Fletcher, second by Carcone**

**To authorize the Supervisor to appear and object to the special assessment number 2 for the Six Point Drain as proposed by the Water Resource Commission (WRC).**

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

**MOTION APPROVED**

**E. Resolution Establishing Tentative Special Assessment Roll for General Purposes**

Mr. Quinn explained that this is the annual time to consider the General Purpose roll for all miscellaneous costs.

Treasurer Carcone explained her concerns regarding the delinquent Bob Saks parcel.

**Motion by Hicks, second by Hemker**

**To adopt the Resolution establishing the Tentative Special Assessment Roll for General Purposes.**

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

**MOTION APPROVED**

**F. Resolution Approving OC Sheriff's Office Agreement 2011**

Mr. Quinn explained that the contract is the same as last year but the health care costs have increased which is the reason for the raise in the contract.

Sheriff Venus explained that all areas are losing officers because there is no money to pay for the positions. The first position that is looked at is the school officer. South Lyon does not contribute any money to the position. Instead of taking an officer off the road it made more sense to take one out of the schools. It was decided that Supervisor Young would contact Bill Pearson, Superintendent of South Lyon Schools regarding the DARE Officer position.

**Motion by Hemker, second by Dolan**

**To adopt the Resolution approving the OC Sheriff's Office Agreement 2011**

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

**MOTION APPROVED**

**Motion by Fletcher, second by Hicks**

**To authorize the Supervisor to contact the schools of our intent to pull the officer that's in the schools on October 15, 2010 and asks for a response of their willingness to share the cost.**

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

## MOTION APPROVED

### **G. Budget Discussion**

Supervisor Young reviewed the preliminary budget. There was discussion regarding upgrades that could be made in order to make it easier to close out a quarter and obtain data. Some line items were discussed.

There was discussion about removing the DARE Officer.

### **H. Planning Commission Discussion**

Mr. Dolan reviewed the priority list from the Planning Commission and he explained that the Commission was looking for direction from the Board.

Mr. Dolan asked if the Board would consider allowing the Planning Commission to meet two times per month in order to finish the update of the Master Plan. Supervisor Young explained that in light of the economic conditions, the urgency of completing the Master Plan has changed. Mr. Dolan stated that he would like a budget for the Planning Commission so a guideline is in place. Mr. Doozan explained that the Master Plan was nearing completion.

Supervisor Young explained that the Board should get back to Mr. Dolan with comments.

### **I. Update on Fire Accessory Building**

Supervisor Young gave an update regarding the building. The costs have increased since the building was enlarged from a 50x40 to a 75x40 building. Concerns were expressed regarding the increase and how that came about.

### **Consent Agenda**

Mr. Dolan questioned a charge on the work program. Mr. Doozan explained what the charge involved.

**Motion by Dolan, second by Carcone  
To approve the McKenna bill as invoiced.**

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

## MOTION APPROVED

## **ADJOURNMENT**

**Motion by Carcone, second by Hicks**

**To recess into Executive Session at 10:03 p.m. regarding pending litigation.**

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

**MOTION APPROVED**

**Board moved into Executive Session at 10:09 p.m. and adjourned at 10:33 p.m.**

Supervisor Young reopened the Regular meeting at 10:34 p.m. with an addition to the agenda 11.a. The Township Board is considering the contingent settlement agreement that was discussed and signed at facilitation on October 1, 2010.

The Township Attorney gave the details of the case filed by Margaret Hassenclever against the Charter Township of Lyon and Canzano Contracting Corporation that is pending in the Oakland County Circuit Court. After negotiations between all the parties present a proposed contingent settlement agreement at facilitation was reached and made subject to and amongst other things, approval by Board of Trustees by a proper resolution.

**Motion by Carcone, second by Hicks**

**To approve the contingent settlement agreement at facilitation in the Hassenclever case subject to a proper resolution being brought back to the Township Board at a Special Meeting to occur before the November 1, 2010 meeting.**

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

**MOTION APPROVED**

**ADJOURNMENT**

**Motion by Carcone, second by Cash**

**To adjourn the regular meeting at 10:37 p.m.**

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

**MOTION APPROVED**

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary

Michele Cash  
Clerk