

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
January 4, 2011

Approved: February 7, 2011 as written

Supervisor Young called the meeting to order at 7:00 p.m.

Roll Call: Michele Cash, Clerk
Patricia Carcone, Treasurer
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
Jason Mayer, Giffels/Webster

APPROVAL OF THE CONSENT AGENDA

Approval of the Regular Meeting Minutes of December 6, 2010

Approval of Disbursements

Building Department Report for November 2010

Fire Department Reports for November 2010

Zoning Reports for November 2010

Engineer Status Report as of November 2010

Revenue/Expenditure Report November YTD

Clerk Cash requested adding Michelle Aniol to the minutes under also present.

Trustee Fletcher asked that the expenditures to all the Funds also be given to the Board for review.

Motion by Fletcher, second by Cash

To approve the Consent Agenda with the addition to the minutes.

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

Nays: None

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Chief McClain presented retirement plaques to Abe Ayoub and Mark Rossetto. Another plaque was for Donald Cogar who was not able to be in attendance. He also introduced Mike Rohn as the newest addition to the Lyon Township Fire Department.

CALL TO THE PUBLIC - None

APPROVAL OF AGENDA

Supervisor Young asked that they add a discussion item regarding bid packages for the consultants as item 9I.

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

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

MOTION APPROVED

UNFINISHED BUISNESS

A. Second Reading Revisions to Article 5.00 of the Zoning Ordinance, Site Plan Review AP-10-11

Mr. Doozan explained that all of the revisions have been incorporated and it is ready for the 2nd reading.

**Motion by Hicks, second by Cash
To adopt the Second Reading Revisions to Article 5.00 of the Zoning Ordinance, Site Plan Review AP-10-11**

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

MOTION APPROVED

B. Fire Accessory Building Budget and Legal Update

Mr. Quinn explained the process that he went through to determine his legal opinion. He

explained that the Supervisor presented a building with certain things in it and then a few months later a bid for the steel came before the Board for approval for \$70,000. Additional items were described at this time in the memo dated 4/22/10. The disconnect occurred at this time because there were no objections to the letter and Supervisor Young felt that he had the authority to go forward.

Trustee Fletcher explained that in the 4/22/10 memo, a budget was not provided for the additional items and felt that it was only a discussion of items that would be forthcoming. Supervisor Young explained that the specific amount was between \$170,000 to \$180,000 and that the final cost of the bathroom was unknown. They were within \$5,000 for the building. He agreed that it was his fault regarding the underestimation of the cost of the bathroom. He explained that he has every piece of correspondence and documentation on a disc that he will provide to every Board member. He explained that it was very tightly bid and there were 4 to 5 bids on every point. Supervisor Young continued that it was a mistake on his part when the Board was not intimately involved on the expenditures. He continued that construction management was not conducive to this type of administration and he would not do it again.

Trustee Dolan explained that they knew there was a \$250,000 cap and that there were several projects that were critical that would be using that same cap. He was concerned that they cut medical benefits when in fact they overspent on something that he questioned if it was really needed.

Trustee Fletcher stated that it was a lack of efficient internal controls is disappointing.

C. Consider Final Building for Fire Accessory Building

Trustee Dolan questioned the notary on the statement and explained that a family member cannot notarize another family members papers, it was against the law and these wouldn't be considered legal.

Supervisor Young reviewed the bill. There were concerns expressed regarding the actual billed amount being so far over the estimated amount that was given.

Motion by Hicks, no support given

To approve \$14,841.96 to ACS Services contingent upon receiving papers with proper notarization of the documents involved.

MOTION FAILED

Motion by Carcone, second by Dolan

To table until the next regular Board meeting with the required proper notarization on application for payment.

Trustee Fletcher asked that the previous paperwork be looked at to make sure that those have the proper notarizations as well.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

NEW BUSINESS

A. Amended Utility Fee Schedule Resolution

Mr. Quinn reviewed the resolution and explained it would be a 4.39% increase with a new REU cost of \$11,114.00 due to the agreement with Lyon Wastewater and the 11 Bond Index.

Trustee Dolan expressed his concern on the amount being a deterrent to new businesses coming into the Township.

Supervisor Young suggested meeting with Bob Harris and possibly renegotiate because it would benefit both parties.

Mr. Howie explained that the DDA is always looking at ways to entice new businesses to the area. He thought that the fee schedule should be approved.

Motion by Carcone, second by Hicks

To approve the Resolution of the Township Board adopting the amended utility fee schedule for the year 2011.

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

MOTION APPROVED

B. Anti-Canvassing, Soliciting & Peddling on Township Property Ordinance

Mr. Quinn explained that this is the first reading of an ordinance. The purpose of it is so that any canvassing, soliciting or peddling on Township owned property would be barred unless it's during a community event and a license is obtained from the Township.

Various scenarios were raised and briefly discussed.

Motion by Carcone, second by Cash

To approve the Ordinance to amend the Park and Recreation and Charter 32 Peddlers, Canvassers and Solicitors as presented in this resolution.

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

MOTION APPROVED

C. Interlocal Agreement for Ballot Layout & Programming Services with Oakland County for Elections

Clerk Cash explained that this is an interlocal agreement for the ballot layout . The agreement would be for 3 years and would cost \$300.00 per election. The cost has not changed since 2007.

Motion by Cash, second by Hicks

To approve the Interlocal Agreement for Ballot Layout & Programming Services between Oakland County and Charter Township of Lyon for Elections

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

MOTION APPROVED

D. Consideration of R.R.R.A.S.O.C. Hazard Waste Agreement

Supervisor Young reviewed the agreement and explained that \$5,800.00 was spent and \$10,000 was budgeted. Mr. Hemker and Ms Carcone were both against the agreement. Mr. Dolan stated that he wasn't sure, it is a benefit for the residents to help them get rid of things. Supervisor Young commented that he had reservations because if it's not offered he wondered if the dumping of refuse would increase on the roadways. Mr. Fletcher suggested call some private refuse collectors and see if they offer a program. Supervisor Young explained that he would question it and see if the price can be lowered.

Motion by Cash, second by Hicks

To table the Consideration of R.R.R.A.S.O.C. Hazard Waste Agreement at the next regular Board meeting.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

E. First Reading of Engineering Design Standards

Mr. Mayer reviewed the Giffels/Webster memo dated 12/21/10. Mr. Quinn explained that these standards will now be a part of the ordinances and would be available to residents online.

Trustee Fletcher requested a copy that included the stikeouts.

Motion by Hemker, second by Carcone

To approve the 1st Reading of Engineering Design Standards.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

F. Sunday Morning Liquor Sales

Mr. Quinn explained that the new law allows restaurants to sell liquor on Sunday starting at 7:00 a.m. if they apply to the Michigan Liquor Control Commission for a Sunday morning liquor license. It also allows package liquor stores to open and sell package liquor on Sundays beginning at 7:00 a.m. with special fee and permit from the Liquor Control Commission.

There was no support for prohibiting liquor sales on Sunday's.

G. Review of Personnel Manual

Trustee Fletcher suggested in a memo dated 12/27/10 that a motion to appoint a board sub-committee to review the personnel policy and bring back any revisions they deem appropriate, including a section that should pertain to elected and appointed officials. He also asked that a motion to resolve Section 16.1 cover elected and appointed officials.

Trustee Hemker explained that they are elected officials and answer to the public and are not a hired employee that has to use and refer to the personnel manual. Supervisor Young stated that there are a few housekeeping items that could be updated.

No action was taken.

H. Consultants Bid Package

Supervisor Young suggested bidding out the consultant packages but not all at one time. He suggested started with the Engineering package since that was the biggest portion of the Townships budget. It was the consensus of the Board to review the bid package and get comments in March.

ADJOURNMENT

**Motion by Carcone, second by Fletcher
To adjourn the meeting at 8:50 p.m.**

Voice Vote:	Ayes:	Unanimous
	Nays:	None

MOTION APPROVED

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash
Clerk