

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
February 7, 2011

Approved: March 8, 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: 22+ Boy Scout Troop

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

Boy Scout Troop from Den 5, Pack 336 Kent Lake Elementary led the Board in the Pledge of Allegiance.

APPROVAL OF THE CONSENT AGENDA

Approval of the Special Meeting Minutes of December 28, 2010

Approval of the Regular Meeting Minutes of January 4, 2011

Approval of Disbursements

Building Department Report for December 2010

Building Department Annual Report 2010

Fire Department Reports for December 2010

Zoning Reports for December 2010

Engineer Status Report as of December 2010

Sheriff Triannual Report

MAMC Institute March 13-18, 2011

Water Main Easement Agreement for DMK Development – New Hudson, LLC

DMK Development Bill of Sale – Water Line

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

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Oakland County Under Sheriff McCabe gave a brief presentation outlining the resources that Oakland County provides through the Sheriff's department. He also reviewed the contract which touched on health benefits, uniform costs, equipment rental and dispatch among other items.

Chief McClain reviewed a summary of the Fire Department year end runs. He reported that he would be working on a contract for dispatch services. He reported that the ambulance contract will be up July 1, 2011 and he has met with HVA who is the current provider in order to bring the contract up to date, it's 20 years old. He also reported that on April 1, 2011 the Medical Licensing also expires and they will be transferring it from Washtenaw/Livingston County to Oakland County. He also reported that there was an arson fire in the Kensington Trailer Park and it is under investigation.

Supervisor Young suggested adding a section to the agenda entitled Reports in order to obtain updates from the Fire Chief, Sheriff, Liaison from the Planning Commission and the DDA.

CALL TO THE PUBLIC

Sharon Chalefour, 57602 Pontiac Trail – She expressed her concern regarding the speed limits by the roundabout. She explained that at one point it is marked 50 mph and then right after that it's marked 15 mph. She has contacted the Road Commission to get help but was told it was within their frontage where they won't change it. Supervisor Young explained that he would double check that and forward her concerns.

APPROVAL OF AGENDA

Supervisor Young asked that they add a Listing Agreement for Properties as item 9L, Discussion item regarding Clothing Drop Boxes as item 9M and to add the Recommendation from the Zoning Committee to item 8a under Unfinished Business. Clerk Cash removed the Executive Session since it was not needed.

**Motion by Carcone, second by Dolan
To approve the agenda as amended.**

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

MOTION APPROVED

UNFINISHED BUISNESS

A. Recommendation from Committee for the Code Enforcement Officer.

Trustee Dolan explained that there were 3 applicants and after interviewing two of the applicants they would recommend Mark Spencer due to his education and experience, the hiring committee felt he would make a great addition to the team and they recommended that he be hired.

Mr. Spencer gave a brief account of his work history and education.

Motion by Hicks, second by Dolan

To hire Mark Spencer at \$18.00 per hour for 20-24 hours per week.

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

MOTION APPROVED

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

Mr. Quinn explained that the ordinance is in its final form and ready for adoption.

Motion by Cash, second by Carcone

To adopt an ordinance to amend the Charter Township of Lyon Code of Ordinances, Chapter 30. Parks and Recreation and Chapter 32. Peddlers, Canvassers and Solicitors to prohibit canvassing, soliciting and peddling on Township Property without a license.

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

MOTION APPROVED

C. Second Reading of Engineering Design & Construction Standards Ordinance

Mr. Quinn stated that the ordinance is in its final form and ready for adoption.

Motion by Hicks, second by Carcone

To adopt the second reading of the Engineering Design & Construction Standards Ordinance.

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

MOTION APPROVED

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

Mr. Csapo explained that the Township is working with 7 other Oakland County communities and that last year the Board approved this agreement. He explained that he thought the cost would be approximately \$6,000.00. He explained that the Township residents really like this service and they need to be able to get rid of these types of items. They have found that people also like to have more than one event to choose from. Mr. Csapo explained that if the Township was nearing the top amount that was budgeted they would not turn residents away but would work out a solution to help them.

**Motion by Hicks, second by Cash
To renew the contract with R.R.R.A.S.O.C. Hazardous Waste Agreement in an amount not to exceed \$7,000, the money was also approved in the budget.**

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

MOTION APPROVED

E. Consider Final Bill for Fire Accessory Building

Supervisor Young explained that he would like to hold back \$2,000 in order to make sure the punch list of items is completed. Trustee Fletcher commented that ACS should have been present. Trustee Dolan commented that he didn't like the letter that was sent. Trustee Fletcher commented that the budget was set at \$150,000 and he didn't see how it got to \$270,000. Supervisor Young explained that the change orders added scope which was why the cost was increased. Trustee Dolan expressed his concern regarding how many meetings were held that ACS project manager told the Township that they were getting close to the budget. Trustee Fletcher stated it was the project manager, the cope of the project did change but from the night the contract was awarded the company hasn't even been before the Board to give updates.

**Motion by Carcone, second by Hicks
To pay Associated Construction Services, Corp \$14,841.96 and to hold back \$2,000 until the final punch list is finished.**

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

MOTION APPROVED

Trustee Fletcher stated that he wanted the record to reflect that ACS did not manage the project correctly.

NEW BUSINESS

A. Abandonment of Hovey Lane Extension

Mr. Doozan reviewed the McKenna Associates memo dated January 25, 2011 and recommended that the Township Board approve its abandonment because the private road easement would serve no useful purpose because it provides no opportunity to make connections to other roads.

Mr. Voss explained that his neighbor has no issue with the abandonment and he could obtain something in writing from the neighbor.

Motion by Fletcher, second by Hicks

To approve the abandonment of the Hovey Lane Extension contingent upon receiving a letter from the other property owner with their agreement and contingent upon the submission of appropriate abandonment documents with appropriate legal descriptions of the area abandoned in recordable form be reviewed by Giffels/Webster and Mr. Quinn's office.

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

MOTION APPROVED

B. Wellhead Protection Plan

Supervisor Young explained that in June of 2010, the Board authorized BCI and Giffels to proceed with a grant application for Wellhead protection. The cost to perform the research, gather the information, and submit to the State was estimated to be \$3,000. Giffels and BCI agreed to waive the costs if the grant was not approved. The board then took action and approved the application process to move forward.

The funds were granted that were sought in the grant application. The total cost, including the delineation of the Woodwind Well area is \$49,500. The amount of the grant is \$24,750 and will be disbursed to the Township per the Wellhead Protection Program Grant Contract.

Mr. Dewyre gave a brief overview of the grant award and explained that they are under a time constraint

Motion by Carcone, second by Dolan

To approve the Wellhead Protection Plan grant in the amount of: not to exceed \$49,500 with our cost share of \$24,750.00 coming out of the Water Enterprise Fund.

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

MOTION APPROVED

C. Resolution for Liquor License to E.A. Fuller Oak Management Corp.

Clerk Cash explained that they are adding partners so this was a housekeeping item.

**Motion by Carcone, second by Fletcher
To approve the resolution with the form provided to amend liquor license for E.A.
Fuller Oak Management Corporation.**

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

MOTION APPROVED

**D. Twin Pines Planned Development AP-10-13 (Preliminary Planned Development
Review, plans dated 11/22/10)**

Mr. Doozan reviewed the McKenna Associates memo dated January 11, 2011. Mr. Doozan explained that by a 4-2 margin the Planning Commission voted to recommend approval of the preliminary plan for Twin Pines Condominium (AP-10-13) subject to the following conditions:

1. Units 72 and 82 shall be removed
2. Sidewalks shall be provided on both sides.
3. An additional 27 feet of right-of-way shall be dedicated to the Road Commission for Oakland County along Martindale Road.
4. Earth tones shall be used for exterior finishes to match the existing duplex units.
5. The plan shall adhere to other conditions identified in the McKenna letter dated November 24, 2010.

Mr. Elkow explained that the Township is a stakeholder in the undeveloped section of the property and that the Township gained control of that portion during the tax sale.

Supervisor Young suggested not removing the suggested lots because it would only add more debt to the remaining lots and therefore would be harder to sell. Trustee Fletcher agreed that it wouldn't make sense to limit it. There was consensus of the Board to not remove the suggested lots.

**Motion by Fletcher, second by Carcone
To approve the preliminary Twin Pines Condominium AP-10-13 Preliminary Planned
Development referencing the overall Site Plan dated 11-22-10 with the addition that
sidewalks shall be provided on both sides of the street, an additional 27' right of way
shall be dedicated to the Road Commission for Oakland County along Martindale**

Road and earth tones shall be used for exterior finishes to match the existing duplex units.

**Voice Vote: Ayes: 6
 Nays: Hemker**

MOTION APPROVED

E. Outside Storage in the I-1 District; Office Uses in the I-1 and I-2 Districts

Mr. Doozan reviewed the McKenna Associates memo dated January 11, 2011. He explained that the amendments would have the following impacts:

- Outside storage would be permitted in the I-1 district, subject to special land use approval.
- There would be a reduction in the 300 foot setback adjacent to residential districts.
- The screening waiver requirements would be simplified.
- The requirement for striping the outside storage would be eliminated.

Trustee Hemker stated he was not comfortable making changes that are economically stimulated. Supervisor Young stated that it is difficult for enforcement and there are a lot of violations right now.

Motion by Carcone, second by Fletcher

To approve the 1st reading of Outside Storage in the I-1 District; Office uses in the I-1 and I-2 Districts as stated in the 1/11/11 McKenna Associates memo.

**Voice Vote: Ayes: 6
 Nays: Hemker**

MOTION APPROVED

F. Board Discussion to Authorize Supervisor to Discuss with the City of South Lyon Prospects of Shared Services

Mr. Murphy, City Manager of South Lyon, explained the need to request a joint meeting to discuss opportunities to save money for both communities thus cutting costs for taxpayers.

The Board was very much in favor of collaborating with the City and suggested having specific ideas for the meeting for discussion.

Motion by Fletcher, second by Hemker

To authorize the Supervisor to discuss and draft the framework for a joint meeting.

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

MOTION APPROVED

G. Discussion of Six Points Cost Over Run to OCWRC

Mr. Crandall reviewed the Giffels/Webster memo dated January 27, 2011. He explained that they convinced the Oakland Water Resources Commissioner's Office that the entire federal grant of \$263,714.59 should be credited to Lyon Township, and that Lyon Township should be reimbursed \$58,965.11 for design engineering costs. With these adjustments Lyon Township's share is reduced to \$133,576.15. The Township must decide how this amount will be funded.

After discussion it was decided that the funds would be reimbursed from the DDA.

Motion Carcone, second by Hicks

To approve the cost of \$133,576.15 to be paid out of DDA funds contingent on DDA approval for the Six Points Drain project.

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

MOTION APPROVED

H. Pump Repair/Replacement for Milford Rd Lift Station

Supervisor Young explained that one of the three 45 HP submersible sewage pumps at the Milford Road lift station failed this past month. He asked that he Board decide to either replace or repair it.

Motion by Fletcher, second by Hicks

To approve the purchase of a new pump from Kennedy Industries in an amount not to exceed \$19,020.00

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

MOTION APPROVED

I. E-Commerce Services Agreement

Treasurer Carcone explained the benefits of the E-Commerce Services Agreement and commented that it is a great service for their residents.

Motion by Carcone, second by Dolan

To approve the E-Commerce Services Agreement as presented.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

J. Resolution to Adopt 2011 Poverty Exemption Income Guidelines

Clerk Cash explained that the guidelines are the same as they were last year.

Motion by Hicks, second by Carcone

To approve the Resolution to adopt 2011 Poverty Exemption Guidelines.

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

Nays: None

MOTION APPROVED

K. Oakmont/Mill River and Rugiero Tax Delinquent Property Consideration

Representing: Anthony Rugiero and Attorney, Larry Coogan.

Supervisor Young explained the situation with the Rugiero property. He offered an option that the Rugiero's pay the principal for 2007 and 2008 and the Township would pick up the penalties for both properties then they would be okay for another year if agreed to. He explained that if this was done that money could go to the reduction of the REU's and therefore would lower the burden.

Mr. Rugiero explained that his father purchased the property over 40 years ago and they would like to develop it, they are asking for any relief and assistance. He explained that they are not developers it was just a purchase that his father did for the future for his kids and family. They are trying to figure out a way to deal with the REU's and the burden that has placed on his family. They would like to figure out a way to keep the land and have it for the future for his family as his father intended it to be.

Mr. Rugiero stated that he would like to discuss the option with his family and he will get back to the Township with an answer.

Supervisor Young explained the same type of situation with Oakmont. The Board concurred that the Township should proceed with the development of Oakmont. Comerica will pay the principle on the taxes and assessments for 2009 equaling \$260,270 and the township will agree to pay the interest and penalties through 2009 approximately \$103,000. This action by the Township, Lombardo Homes and Comerica Bank will keep the Mill River/Oakmont project alive through 2013. The hope is that all of this effort will provide enough time for the housing market to improve enough for Oakmont to stand on its own

L. Listing Agreement

Supervisor Young questioned how the Board wanted to handle listing properties to get them

on the market.

Motion by Fletcher, second by Hicks

To authorize the Supervisor to enter into a listing agreement.

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

MOTION APPROVED

M. Discussion regarding Clothing Drop Boxes

Supervisor Young commented on the drop boxes in the area and some of the information that he has found out regarding the charities is concerning. The ordinance does not allow for accessory structures and the drop boxes are being placed in the road right of ways. Some businesses have been offered money by these companies in order to keep the boxes in their locations. Supervisor Young listed the charitable donations that the Township is involved in, such as Youth Assistance.

Supervisor Young asked for direction and also asked that propane bottles be incorporated.

Mr. Doozan will proceed with language and take it to the Planning commission.

ADJOURNMENT

Motion by Carcone, second by Cash

To adjourn the meeting at 10:47 p.m.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Respectfully Submitted,

Kellie Angelosanto

Michele Cash

Kellie Angelosanto
Recording Secretary

Michele Cash
Clerk