

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

Approved: April 4, 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: 9

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

**APPROVAL OF THE CONSENT AGENDA**

**Approval of the Special Meeting Minutes of February 14, 2010**

**Approval of the Regular Meeting Minutes of February 7, 2011**

**Approval of Disbursements**

**Building Department Report for January 2011**

**Fire Department Reports for January 2011**

**Zoning Reports for January 2011**

**Engineer Status Report as of January 2011**

**Approval of Three Year Permit Extension to AT&T pursuant to the Michigan METRO Act**

**Right-of-Way Permit Extension Request**

**Wastewater Treatment Plant Rate Increase 2011**

**Motion by Fletcher , second by Cash**

**To approve the Consent Agenda with the removal of Wastewater Treatment Plant Rate Increase 2011.**

**Roll Call Vote: Ayes: Unanimous  
Nays: None**

## MOTION APPROVED

## ANNOUNCEMENTS AND COMMUNICATIONS

Joe Moore from Dubois-Cooper Associates gave a brief presentation regarding the grinder pumps that property owners/businesses will use to connect to the new sanitary sewer.

Trustee Dolan questioned the life span of the units. Mr. Moore explained they have been getting approximately 10 years out of the units with a minimal repair cost to get them back into service.

**Shirley Baker** – She questioned if the pumps could be used in a residential setting with a septic tank. Mr. Moore stated yes.

**CALL TO THE PUBLIC** - None

## REPORTS

**DDA** - None

**Fire** – Chief McClain reported that they were awarded a grant for a new fire truck with a 95% federal match and a 5% township match. He explained that 12 years ago they paid \$280,000 for a new engine and that they may not be able to accomplish purchasing a new one at \$300,000. A committee has been formed to discuss wants/needs of the new engine. He reported that there will be a Fire Show held in Indianapolis and they would be shopping around for demo models as long as there was not a requirement from the Board on the color of the truck. The Board had no issues with a different color for the truck. The only stipulation with the grant is that the truck must be purchased within one year of receiving the funds.

Chief McClain reported that the negotiations are continuing for the Medical Control Authority and the Ambulance Agreement.

**Planning Commission** – Trustee Dolan reported that the Planning Commission finished the update of the Master Plan.

**ZBA** – Trustee Hicks reported that a variance was granted for carports at Lake Angela Co-op.

**Sheriff** – Sergeant Venus reported that reports will now be available at the sub station for a \$5.00 charge during normal business hours during the day. He updated the Board regarding an accident that happened on February 26, 2011. He also reported that there have been cases of gasoline being taken out of people's cars that are parked in their driveway.

## APPROVAL OF AGENDA

Supervisor Young asked that item 10C. Highland Water Treatment Increase 2011, item 10D. Grant Writing Summit and item 10E. Engineering Committee Update added to the agenda.

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

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

## MOTION APPROVED

## UNFINISHED BUISNESS

### **A. Rugiero Update**

Supervisor Young explained the 3 options that are available to Mr. Rugiero.

Mr. Rugiero explained that they have been working diligently to try to get the money together. He has spoken to the finance people who were going to help but it won't work. The amount is too high. He commented that the problem lies with the 109 REU's. The burden became evident when their tax bill went from something affordable at \$15,000 per year to \$170,000 tax burden. He understands the township's budget issues. He did not think that the proposal of the Township buying 30 REU's would work due to the carry over. He proposed that the township pay \$500,000 and that would include a 25% interest in the property. He suggested Meijers building on the property. He proposed that they work together and be in a partnership.

Trustee Fletcher questioned when the Rugiero's expect to pay anything towards it. He explained that the Rugiero's are asking that the Township pay \$761,000 for a 25% investment when they haven't paid a dime since 2007. Mr. Rugiero explained that they would pay \$114,000 and carry half of the cost. He continued that the reason they have not paid it is because they disputed the REU's being assessed to the property in 2007. They opted out of REU's, hired a lawyer, and the special assessments were still placed on the property.

Supervisor Young explained the proposals in front of the Board. Mr. Rugeiro felt that one year did not give them enough time and that investors would not invest in the property without the taxes being paid current.

**Motion by Carcone, second by Fletcher  
To rescind the previous motion.**

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

**MOTION APPROVED**

**Motion by Carcone, second by Dolan**

**To approve repurchase of 30 REU's on parcel number 21-31-400-034 in the amount of \$261,000 if property owners bring taxes current through a minimum of 2008.**

Mr. Quinn explained that the amount of REU's will always remain at 109 and they would be responsible for the payment on those in the future.

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

**MOTION APPROVED**

**B. AP-10-15 Second Reading Outside Storage in the I-1 District; Office Uses in the I-1 and I-2 District**

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

**Motion by Carcone, second by Hicks**

**To approve the Second Reading for Outside Storage in the I-1 District; Office Uses in the I-1 and I-2 Districts as indicated in the McKenna Associates memo dated January 11, 2011.**

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

**MOTION APPROVED**

**NEW BUSINESS**

**A. AP-10-14 Expiration Period for PD Preliminary Plan Approval**

Mr. Doozan referred to the McKenna Associates dated February 16, 2011.

After brief discussion the Board thought adding the following bullet points would be beneficial:

- To demonstrate that the conditions in the surrounding properties have not changed as to render the plan unworkable.
- Special Assessments and taxes should be made current.

Treasurer Carcone suggested sending out a reminder letter to alert them that the approval is expiring.

**Motion by Hicks, second by Fletcher**

**To adopt the first reading of the proposed revisions for AP-10-14 Expiration Period for PD Preliminary Plan Approval with the addition of the two bullet points.**

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

**MOTION APPROVED**

**B. AP-10-10 Woodwind North Condominium, Final Planned Development Review**

Mr. Doozan reviewed the McKenna Associates memo dated February 16, 2011 with the following recommendation:

To approve the Third Amendment to the Planned Development Agreement Woodwind Planned Development, the site plan, and landscape plan, subject to the cooperation of the applicable revisions noted in item B of the letter, and subject to Township Attorney final approval (the Township Engineer has granted approval).

Mr. Sieber explained that amendments were made to the plan and the lot lines were pulled in so there are not wetlands contained within a lot. They are proposing 7985' of wetland buffer encroachment, which is a substantial improvement.

**Motion by Carcone, second by Dolan**

**To approve as a first reading the proposed amendments to the AP-10-10 Woodwind North Condominium formerly Woodwind Glen II as stated in the February 16, 2011 memo by McKenna Associates.**

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

**MOTION APPROVED**

**C. Highland Treatment Increase 2011**

Mr. John Dowson explained the requested price increase for 2011 is mostly due to the rise in fuel costs. The hourly rate per emergency call out and mileage did not change. The increase is a 2.5% raise.

Trustee Fletcher explained his hesitation in any increase when so much has been cut across the board.

**Motion by Hicks, second by Carcone**

**To approve the rate increase to \$8,000 monthly operational base rate.**

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

**MOTION APPROVED**

**D. Grant Writing Summit**

Chief McClain explained that Erin Welsh helped write the 3 previous grants and she was successful with two of those grants which brought the township approximately \$400,000. Previously, the cost was split between South Lyon and the Township. Ms. Welsh no longer works for the City of South Lyon so he is asking that the Township pick up the total charge for the summit of \$1074.00 in exchange that she agrees to write and manage the AFG Grant. He is hoping to use those federal funds to institute nighttime coverage for the township.

**Motion by Fletcher, second by Hicks**

**To approve the expenditure of \$1,074.00 for the summit seminar.**

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

**MOTION APPROVED**

**E. Update Engineering Committee**

Trustee Fletcher explained that a subcommittee has been formed to evaluate engineering firms. They had 12 firms respond and have since narrowed the applicants to 7. They are considering breaking the contract into 2 components. One to manage day-to-day activities at the Township and that may have a retainer component and one to serve as a project engineer that would handle major items like roads/sewers. By breaking it up it may be more cost effective and not one firm would get both parts. The Board had no issue with considering two separate companies. He explained that this is an option they are considering and it may be that they will use one company.

**ADJOURNMENT**

**Motion by Carcone, second by Fletcher**

**To adjourn the meeting at 9:28 p.m.**

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

**MOTION APPROVED**

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary

Michele Cash  
Clerk