

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

Approved: May 2, 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: 27

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

APPROVAL OF THE CONSENT AGENDA

Approval of Regular Meeting Minutes of March 7, 2011

Approval of Disbursements

Building Department Report for February 2011

Fire Department Reports for February 2011

Zoning Reports for February 2011

Engineer Status Report As of February 2011

Acceptance of Grant of Permanent Sewer Easement and Temporary Construction Easement for Parcel No. 21-18-200-009 from Lyon Development Associates, LLC (Saddle Creek)

Approval to have the Supervisor and Clerk sign a Quit Claim Deed transferring 0.09 acres of Parcel 21-04-451-010 to Reginald D. Madeline and Erin A. Madeline, husband and wife who are the owners of Parcel 21-04-476-043.

Approval to have the Supervisor and Clerk sign a Quit Claim Deed transferring 0.11 acres of Parcel 21-04-451-010 to Ron Lefevere and Ruth Lefevere, husband and wife who are the owners of Parcel 21-04-476-042.

Approval to have the Supervisor and Clerk sign a Quit Claim Deed transferring 0.08 acres of Parcel 21-04-451-010 to Robert D. Metz and Patricia M. Metz, husband and wife who are the owners of Parcel 21-04-476-002.

Approval to have the Supervisor and Clerk sign a Quit Claim Deed transferring 0.07 acres of Parcel 21-04-451-010 to Michael R. Lamb and Christine Lamb, husband and wife who are the owners of Parcel 21-04-476-003.

Approval to have the Supervisor and Clerk sign a Quit Claim Deed transferring 0.07 acres of Parcel 21-04-476-045.

Approval to have the Supervisor and Clerk sign a Quit Claim Deed transferring 0.24 acres of Parcel 21-04-451-010 to Thomas F. Keeran, a single person who is the owner of Parcel 21-04-451-009.

Trustee Fletcher asked to remove the Zoning Enforcement Report for discussion and Trustee Hemker asked that the Quit Claim Deeds be removed for discussion as well.

Motion by Fletcher, second by Cash

To approve the Consent Agenda with the removal of the two items.

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

A. Presentation of the 2010 LTPL Annual Report

Holly Tiesel reviewed the 2010 annual report for the library. She commented about the new items that are now offered at the library such as new library cards, a walk up email station, genealogy lock in and new workshops for adults.

B. Lyon Township Website Update

Michele Aniol explained that on October 28, the DDA and the Township Board held a joint meeting. The main focus of that meeting was to hear a presentation on the communications plan for the Township. After viewing the presentation, the consensus of both boards was to move forward with the website.

John Bell gave an overview of the new website which is set to be launched on May 16, 2011. He also commented that the 3rd Annual Kite Festival will be held on June 4, 2011.

Concerns were raised regarding what the Township is actually getting for the large amount of money that has been spent on the website.

CALL TO THE PUBLIC

Don Collick – he reported that the Annual South Lyon Area Relay for Life will be held on June 4-5, 2011.

Kathleen Harmon, 24875 Wedgewood Drive – She questioned the status of the application for Jack Healy. Supervisor Young explained.

Chris Roberts – He asked where “west” is located regarding the Woodwind project.

REPORTS

DDA - Ms. Aniol reported that the Board has approved a design concept for the Grand River Streetscape Plans. She announced that the DDA has submitted an application to host an MDOT Community Workability Audit. The 2011 Workplan will include planning and zoning, civic improvements, economic development and circulation improvements. A monthly budget report is also being utilized to keep track of revenues and expenses. She reported that she attended the Urban Land Institute Detroit Public Private Partnership Forum along with Trustee Fletcher and found that there is no silver bullet that will turn our state/local economic around. Therefore, they must cultivate an environment that will support economic growth. They must balance what we want and what the market will support. She reported that the Small Town and Rural Development Conference will be held in late April at Crystal Mountain, Thompsonville, Michigan. She reported that the Design Committee is working on developing design concepts for directional signs and the Promotion Committee is planning and organizing the First Annual Winter Warm-up Festival and Dog Sled Race for February 2012.

Fire – Chief McClain explained that the conference was a success, they were able to pick up a lot of good ideas and on Wednesday they are sitting down to draw up a spec on a new fire truck. There will be an online open burning permit available soon, which will cut down on phone calls to the dispatch center. He explained that they are trying to get out of authority of Medical Control and transfer to Oakland County. There is another meeting regarding the ambulance agreement in April. At the next meeting he will have the fireworks permit for Walnut Creek.

Planning Commission – Trustee Dolan explained that everything he would be reporting on is going to be covered in the agenda.

ZBA – Trustee Hicks reported that a meeting has not been held.

Sheriff – Sheriff Venus reported since the last meeting people are taking advantage of the station located here. He reported on the ongoing possible abduction of a 10 year old girl.

APPROVAL OF AGENDA

Treasurer Carcone asked to add the update for the Ruggiero's.

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

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

MOTION APPROVED

UNFINISHED BUISNESS

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

Mr. Doozan reviewed the McKenna Associates memo date march 16, 2011. He explained that two revisions have been made based on the comments from last month as follows:

1. Added as criterion for extensions: "if not current on taxes and assessments, then making substantial progress toward payment of taxes and assessments."
2. Added a provision regarding changing conditions on or surrounding the property making the project inappropriate or infeasible.

Motion by Hicks, second by Dolan

To adopt the ordinance amendment for Article 7 Planned Development Section 7.04 procedures and requirements and sub section E .8 effect of preliminary approval or denial.

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

MOTION APPROVED

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

Mr. Quinn stated that it is in a satisfactory form and all changes were made. Two matters are before the Board, approval of the rezoning ordinance Map amendment number 144-11 as well as consideration of the approval of the 3rd amendment to the planned development agreement.

Motion by Cash, second by Dolan

To approve the Lyon Township Amendment to Zoning Ordinance, Zoning Map Amendment 144-11.

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

MOTION APPROVED

Motion by Carcone, second by Cash

To approve the 3rd Amendment to the Woodwind Planned Development.

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

MOTION APPROVED

C. Ruggiero Update

Mr. Ruggiero explained that they went back to the family to discuss the options and try to make it work. Unfortunately, they were not able to make things work. They have had to let the larger parcel go and they are trying to hold onto the smaller parcel of 3 acres. He stated that they would make that parcel whole and remove all of the debt. He asked that the Township buy back 4 REU's and then the family would pay the taxes up to 2012.

Treasurer Carcone explained that there are delinquent taxes from 2007-2010. The delinquencies are \$86,415.00. If they repurchase 4 REU's the Township would pay \$34,800.00. The Ruggiero family would add \$51,615.00 to that which would make them current to 2011.

Motion by Carcone, second by Hemker

To purchase 4 REU's from parcel number 21-31-400-036 in the amount of \$8700.00 per REU for a total of \$34,800.00. Subject to the agreement and the consideration that the Ruggiero's will pay the balance of the tax arrearages from 2007-2010 \$51,615.00 with final amount to be determined by the Treasurer.

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

MOTION APPROVED

NEW BUSINESS

A. Resolution to Recognize South Lyon East High School All Night Senior Event as a Nonprofit Organization in the community

Steve Nunez, 229 Columbia Drive. Mr. Nunez explained the need to be recognized as a nonprofit organization. There is an opportunity to participate in a gaming fundraiser and this is one of the steps that they need to complete in order to do that.

Motion by Fletcher, second by Hicks

To adopt resolution Local Governing Body Resolution for charitable Gaming Licenses for South Lyon East High School.

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

MOTION APPROVED

B. AP-11-02b, Kroger Fuel Center, Special Land Use

Mr. Doozan reviewed the McKenna Associates memo dated March 24, 2011. The Planning Commission recommended approval of the special land use, subject to the conditions in the March 11, 2011, McKenna letter, and provided that the hour of operation be limited to 6:00 a.m. to midnight. The conditions in the McKenna letter dated March 11, 2011 dealt solely with

the required variances.

Mr. Pisko explained that the fuel center cannot run independently of the Kroger store and that 80% of the traffic for the fuel center would be Kroger customers. Mr. Pisko explained the two variances will be required, one for the front setback for the kiosk and a variance to allow two price signs, one at each end of the canopy.

Trustee Dolan stated that the Planning Commission was very favorable of the whole project. The only dissatisfied person was the Mobil Gas Station owner across the street.

Motion by Dolan, second by Carcone

To approve AP-11-02b Kroger Retail Fuel Center subject to variances from the ZBA for the setback on the kiosk and the signs. The hours of operation are 6:00 a.m. to midnight.

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

MOTION APPROVED

C. AP-10-13, Twin Pines II PD

Mr. Doozan reviewed the McKenna Associates memo dated 3/29/11. He explained that the Commission recommends approval of the final plan and Planned Development Agreement subject to the following conditions:

1. Completion of the revisions to the Planned Development Agreement and plans, as noted in items 1 through 10 of the McKenna Associates March 21, 2011 letter shall be completed.
2. With respect to item 10, Sheet L-2, the applicant shall be allowed to use the previous tree replacement formula, because clearance and landscaping of the site was based on the previous formula, and because the new formula would result in the need for 15-20 more trees for which there is inadequate space on the site.

Mr. Quinn explained the changes that needed to be completed. Mr. Doozan stated that a copy was sent today and those changes were made, the documents are date stamped April 4, 2011.

Motion by Carcone, second by Dolan

To approve the planned development agreement for Twin Pines Planned Development in the form as received by the Clerk on April 4, 2011

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

MOTION APPROVED

D. Proposal to Provide Planning Services in the Preparation of a Parks and Recreation Master Plan

Mr. Doozan revised the proposal for the preparation of a Parks and Recreation Master Plan for a total cost of \$1,402.50. He explained that much of the work that goes into a Parks and Recreation Master Plan has already been done and is contained in the Recreation chapter of the Master Plan. The cost is for additional work items that would require additional expense such as an organization chart, recreation inventory and public input process.

Trustee Fletcher questioned the scope and the boundaries. He suggested obtaining the information regarding the grounds could be gained from the schools. Mr. Quinn explained that they must be able to demonstrate access to the play structures.

Motion by Carcone, second by Hicks

To approve the proposal to provide planning services in the preparation of a Parks and Recreation Master Plan as submitted in the McKenna memo dated 3/15/11 in an amount not to exceed \$1,402.50

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

MOTION APPROVED

E. Revisions to the Planning Department Fee Schedule

Supervisor Young explained that the fee schedule has been updated. Trustee Hicks recommended that the word "request" be changed to "require" in the 3 places as noted.

Motion by Carcone, second by Fletcher

To approve the revisions to the Planning Department Fee Schedule as submitted by Katherine Nelson with the required changes.

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

MOTION APPROVED

F. Emergency Service Dispatching Contract Recommendation

Chief McClain explained that the current 3 year contract with the City of Novi to provide Public Safety Answering Point (PSAP) and Fire Department dispatching services expire June 30, 2011.

He explained that the two viable options are to renew the contract with the City of Novi or

enter into a new agreement with the Oakland County Sheriff's Department. After reviewing the information he felt that the Sherriff's service was superior and recommended it. The only disadvantage to the Sheriff's contract is the expense component. The price of the first year of the Novi contract is \$16,106.00 compared to \$23,739.00 for the Sheriff's proposal. He felt that the increased cost of the sheriff's proposal is justified by the increase in service provided

Sheriff Venus explained that if they were all on the same channel it would be a benefit to the community.

Chief McClain asked for a verbal go ahead from the Board and he would bring back hard numbers next month. He commented that he would need to increase his budget next year for dispatching services to cover this additional cost. He explained that it is a per call charge. Trustee Dolan felt this would be more efficient. The consensus of the Board was to move forward.

G. Recommendation and Possible Action Regarding Engineering Services Contract

Supervisor Young explained that the committee has not met and he asked that this item be tabled.

Motion by Carcone, second by Fletcher

To table the recommendation regarding Engineering Services Contract until the next regular meeting.

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

MOTION APPROVED

H. Twin Pines Listing

Supervisor Young deferred discussing this item until the financial update.

I. Building Department Assistance

Treasurer Carcone explained that there is a need for an assistant in the Building Department. Deby Cothery has agreed to work in the building department during the busy time. Ms. Cothery is knowledgeable in all aspects and will be a great benefit. The Board felt this was a good move and it will be a part time position split between the Treasurer Department and Building Department.

J. Financial Update/Supervisor

Supervisor Young reviewed the spreadsheet listing problematic parcels in the Township. He stated that he would be in contact with everyone to schedule a special meeting within the next 3 weeks.

10. **Items Removed from Consent Agenda for Action or Discussion**

K. Zoning Enforcement

Trustee Fletcher questioned if the enforcements of the signs were appropriate in light of the economic times. He stated that nearly every business in the Township has been contacted for violations. Trustee Dolan agreed and felt that they could be running businesses away. Supervisor Young explained that if everyone was in agreement then the ordinance would need to be changed and he felt they should give it some time and see what happens. He explained that drop boxes and propane storage were big issues, but the signs were the biggest.

L. Quit Claim Deed Items

Mr. Quinn explained that the Township agreed on items 4, 5 and 6 to give back the attached excess right of way and in items 1, 2, 3, those excess right of ways are very small and that property would have to be maintained by the Township if kept, and by doing this the owners of the property will have to maintain the property. That was the reason for discussion at the previous meeting.

Motion by Carcone, second by Hicks

To approve permission for the Supervisor and Clerk to sign the Quit Claim Deeds as referenced in Mr. Quinn's email dated March 18, 2011 to the Clerk.

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

MOTION APPROVED

ADJOURNMENT

Motion by Carcone, second by Cash

To adjourn the meeting at 9:50 p.m.

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

MOTION APPROVED

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash
Clerk