

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
June 6, 2011

Approved: July 5, 2011

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

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

APPROVAL OF THE CONSENT AGENDA

Approval of the Special Meeting Minutes of April 25, 2011

Approval of the Regular Meeting Minutes of May 2, 2011

Approval of Special Meeting Minutes of May 9, 2011

Approval of Disbursements

Building Department Report for April 2011

Fire Department Reports for April 2011

Zoning Reports for April 2011

Engineer Status Report as of April 2011

Michigan Association of Municipal Clerks

**Motion by Carcone, second by Hicks
To approve the Consent Agenda as presented.**

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Mr. Chuck gave a brief account of the success of the Kite Festival. He explained that 2,858 people attended the Kite Festival this year, which was up from last year. He thanked everyone that participated and helped at the event.

Mr. Bell also gave a report by the numbers regarding the Kite Festival. He stated that they received use of 2 shade tents and games from Oakland County Recreation through grants. He thanked them for their support.

Don Collick, he commented that over \$82,000 was raised during the Relay for Life this year and he thanked everyone for their support as well. He also commented that next year they might look into using the Township Park as a venue for the event.

Mr. John Sauvé gave a brief presentation regarding adding a sculpture park within the Lyon Township park. He has worked with Delta College, as well as the Detroit Riverfront. He offered his services to the township in placing sculpture in the park, which would add one more layer of attracting people to the park.

Mr. Dan Hunter from Oakland County Planning and Economic Development Services gave a brief presentation regarding Economic Development. He also encouraged the use of the Pure Michigan website as well as the Oakland County website for advertising events in the Township.

CALL TO THE PUBLIC

Jerry Borowski, 30920 Bramley Ct. He commented that the DDA is granted “x” amount of dollars and the ring road on the east side is being revamped and how did it pass inspection of it has to be redone. It was a waste of money and the back section of the park for the last 3 years has been waiting for the DDA funds to repair that section. It makes a promise but nothing comes through. The cemetery is also a concern. He found some stones that have sunk 4-5 feet.

REPORTS

DDA –Ms. Aniol reported the DDA has decided to move forward and advertise in the Oakland County Prosper Magazine with a two-page spread. She also explained that the application was submitted in enough time that they qualify that they could be one of the communities on the front cover of the magazine but they have not been selected yet.

Fire – Chief McClain reported that the 911 system is on track and testing will start in July. Also, July 1 they are anticipating a change in the burn permit, which will make it a yearly burn permit instead of a one-day permit. They were successful in transferring the Medical Control Authority from Livingston County to Oakland County. The process begins to update services to basic EMT services, which will be a better service to the community.

Planning Commission – None

ZBA – Trustee Hicks reported that a variance was granted for a garage for a handicap person.

Sheriff – None

APPROVAL OF AGENDA

**Motion by Carcone, second by Cash
To approve the agenda as presented.**

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

MOTION APPROVED

UNFINISHED BUISNESS

A. Second Reading AP-08-21 Fellowship Evangelical Presbyterian Church Zoning Proposal

Mr. Doozan explained that it is ready for the second reading.

**Motion by Hicks, second by Dolan
To adopt the amendment to the Zoning Ordinance Zoning Map Amendment number 146-11 to rezone the parcel R-3 Residential, single family.**

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

MOTION APPROVED

B. Engineering Service Contracts

Mr. Quinn explained that the 1st contract is for day-to-day engineering services and that's with Civil Engineering Solutions Inc. the certificate of liability insurance has been received and it meets the requirements. The second contract is for professional engineering services for infrastructure design and construction with Giffels/Webster Engineers and the certificate of liability insurance has been received and it also meets the requirements.

**Motion by Fletcher, second by Cash
To approve the agreement for Professional Engineering Day to Day Services between the Charter Township of Lyon and Civil Engineering Solutions Inc.**

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

Nays: None

MOTION APPROVED

Motion by Carcone, second by Cash

To approve the agreement for professional engineering services for infrastructure design and construction between the Charter Township of Lyon and Giffels/ Webster with the attached fee schedule.

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

MOTION APPROVED

NEW BUSINESS

A. Wellhead Protection Program and Grant Application for 2012

Mr. DeWyre from BCI Engineers explained that activities are currently being completed in Lyon Township as part of the 2011 Wellhead Protection Program grant funded project. Significant progress has been made toward the completion of the Wellhead Protection Program delineation for the Woodwind well site and it is anticipated that a final summary report will be submitted to the Michigan Department of Environmental Quality for review and approval in June. The 2012 Wellhead Protection Program grant applications were released by the MDEQ during the first week of May and the grant applications are due on June 15, 2011. The state will once again be providing grant funding and, as previously discussed, they recommend keeping the program going in Lyon Township in order to protect the community's drinking water. This grant program covers 50 percent of the costs of the Wellhead Protection Program items.

Mr. DeWyre recommended the continuation of the quarterly team meetings and associated administrative/reporting items, preparation of an ordinance, which is referenced in the engineering standards and the zoning ordinance, to be included in the Wellhead Protection Plan and to be used for planning and to reevaluate the New Hudson delineation. This would account for a project total of \$20,500. McKenna and Associates and the Township attorney, Matt Quinn, would be included in those costs. This would leave \$14,647.70 in previous expenditures that the Township might be able to use in future grant cycles should they be awarded. The cost to prepare the 2012 grant application is \$2000, less than the \$3,000 incurred last year. Both consultants have again agreed to hold off billing the Township for the grant preparation until the grant is approved and, if the grant is not awarded, the Township will not be charged for the incurred costs. Therefore, if approved, the only out of pocket costs to the Township would be the \$2,000 for the preparation of the grant.

Motion by Hemker, second by Carcone

To approve for the 2012 Wellhead Protection Plan and Grant Program to be prepared by AMEC-BCI and Civil Engineering Solutions in an amount not to exceed \$2000.00.

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

MOTION APPROVED

B. TriStar Long Term Lease Offer (Cell Tower)

Supervisor Young explained that the Township has a lease agreement where the township would receive \$16,0000 in revenue. The current contract is over in 2026. He has had numerous companies that have expressed interest over the years to buy out the lease. This offer would buy out the lease at the end but in the meantime the Township would collect the revenue plus the additional revenue that was proposed. At the end of the lease they would continue to share the proceeds on a 50% basis.

Mr. Michael Mackey from TriStar Investors, Inc. gave an overview regarding the amount of revenue that would be generated and gave a brief history of the company.

Trustee Dolan questioned the original contract. Mr. Quinn explained the comments that he had regarding the draft contract. Number one, this is a perpetual contract, it never ends and there was a limitation was being imposed so that the Township could not have another tower within 5 miles of this one and since the Township does own property within that site it would limit the ability to expand cell tower ownership. Mr. Quinn also felt that at the conclusion of the contract in 2026 it didn't say that TriStar would be responsible of the future maintenance and repairs of that. Mr. Quinn stated that Giffels/Webster should look at all of the easement documents as well so everyone understands where those are. Mr. Mackey stated that their attorney would be happy to work with Mr. Quinn.

There was discussion regarding the Township keeping full ownership since it is profitable and how cell towers would not be going away the demand is only going to increase. Trustee Dolan suggested putting a committee together to investigate the details and come back to the Board with their suggestion. He did not want to see them enter into another contract like the current one. Trustee Dolan, Clerk Cash and Supervisor Young will round out the committee.

Motion by Carcone, second by Dolan

To form a sub committee to look over the TriStar Long Term Lease for the cell tower and the subcommittee will consist of John Dolan, Michele Cash and Lannie Young and to table until the regularly scheduled meeting in July.

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

MOTION APPROVED

C. Consolidated Municipal Ambulance Service Agreement

Chief McClain explained that the current agreement expires on July 1, 2011. The existing agreement was signed in 1990 and was originally a 5-year contract with an automatic 1-year renewal unless someone wanted to give 180-day termination notice. The notice of termination was given since they felt the contract was antiquated. During the negotiations with HVA considerable improvements were made. Now that they are no longer under Washtenaw Livingston MCA authority they are free to compete for ambulance coverage to make sure they are getting the best deal. Milford and Wixom have expressed interest in joining together with Lyon Township and South Lyon and potentially go out for one Ambulance Company. He was not willing to endorse this particular contract with HVA. He thought they could have some really good negotiating with Lyon Township, South Lyon, Wixom and Milford joining together.

Dale Barry, President of HVA explained that HVA is a non-profit organization and they have served Lyon Township and South Lyon since 1990. The agreement was getting old and it was a good idea to review it. The current agreement does end at the end of June and would like to resolve it as soon as it's practical.

There were brief questions regarding verbiage in the contract. Treasurer Carcone questioned if they would be tax exempt. Mr. Barry stated yes. Mr. Quinn stated that generally it's an acceptable contract.

Motion by Fletcher, second by Carcone

To table until such time that Chief McClain recommends that they move forward with the contract.

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

MOTION APPROVED

D. Contract for Equalization Division Assistance Services

Supervisor Young explained that the contract is the same and this is a budgeted item. Treasurer Carcone stated that the Township has been very happy with their services.

Motion by Carcone, second by Cash

To approve the contract between Oakland County Equalization Division and the Charter Township of Lyon for the assistant services for real and personal property services for the years 2011–2013 by resolution.

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

MOTION APPROVED

E. Mancinelli Request for 1 REU Repurchase

Supervisor Young asked for the Boards thoughts on this item. Mr. Doozan gave a brief history explaining that the one parcel Mr. Mancinelli was requesting the REU repurchase on was an unbuildable lot due to garbage being found when the basement was dug making it an unbuildable lot. Mr. Quinn stated that the Planning Commission was also in favor of this particular lot becoming common area.

The Board did not have any issue with this if all of the issues were met.

Debra Sellis, Homeowners Association from Hornbrook. She commented that the residents are fine with the lot being a common area but the problem is that it is roughly covered up, it does not have a sprinkler system, and it's not treated. They are already running into the situation of getting the common area to be what it's supposed to be based on the plan and they are concerned that this area would be dumped back on the homeowners. They would like to have someone keep an eye on what they are left with at the end of the day. She stated that she could forward a "wish list" from the homeowners.

F. ZBA Vacancy

Supervisor Young explained that Michael Hawkins has resigned due to his moving out of state.

**Motion by Young, second by Hicks
To appoint Debra Sellis to the ZBA through November 30, 2013.**

Supervisor Young explained that Mike Hawkins was a great asset to the ZBA. He also explained that Mr. Erwin came in and reviewed the resumes as well. They felt that Ms. Sellis would fill the seat very well.

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

MOTION APPROVED

ADJOURNMENT

**Motion by Carcone, second by Cash
To adjourn the meeting at 9:14 p.m.**

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

MOTION APPROVED

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash
Clerk