

Charter Township of Lyon  
Board of Trustees  
Regular Meeting Minutes  
August 1, 2011

Approved: September 6, 2011

Supervisor Young called the meeting to order at 7:05 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: 7

Also Present: Chris Doozan, McKenna Associates  
Matthew Quinn, Township Attorney  
Leslie Zawada, Civil Engineering Solutions, Inc.  
Michelle Aniol, DDA Administrator/Economic Development Coordinator

**APPROVAL OF THE CONSENT AGENDA**

**Approval of the Regular Meeting Minutes of July 5, 2011**

**Approval of the Special Meeting Minutes of July 18, 2011**

**Approval of Disbursements**

**Building Department Report for June 2011**

**Fire Department Reports for June 2011**

**Zoning Reports for June 2011**

**Engineer Status Report as of June 2011**

**Special Events Request for Injured Soldiers**

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

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

**MOTION APPROVED**

## ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Young explained that Mr. Towne is out of town and he will be placed on the agenda for next month.

Treasurer Carcone explained that the Oakland County tax sale is August 16, 2011.

## CALL TO THE PUBLIC

**Walt Cousins, 52400 12 Mile Road** – Mr. Cousins explained that he is concerned with the area of Charles Court off of 12 Mile and Napier Roads. He passed out pictures to the Board, which showed an accurate account of what is happening in that area. He explained that there is an open manhole, and stated that there has not been a cover since just after the road was paved. There is garbage that collects there and the neighbors have to get together to clean it up. A semi truck comes every Friday and drops the trailer there. People are aware that no one comes to the area and there is a lot of paraphernalia that is found on the site.

Supervisor Young explained that he has been in contact with the owner of the property and it was his understanding that Mr. Clark was going to be sending someone out there and apparently that hasn't happened. He would contact Mr. Clark again. Supervisor Young also explained that a manhole cover would be put on the next day and that there have been problems with stolen manhole covers. Supervisor Young suggested barricading the area off. Mr. Cousins explained that there was talk of that at one point but there was an issue with the County because it would cost money so it wasn't pursued.

Trustee Fletcher expressed his concern as to why this type of issue was not on the Zoning Officer's report Supervisor Young explained that these types of issues are tackled everyday and this is one of many.

**Mr. Perfetto, 24861 Douglas Dr.** – He explained that he has no problem with the farming at Pinehurst and he has no problem with the farmer using his property for access. He has experienced no chemical smells.

## REPORTS

**DDA** – Ms. Aniol explained that the DDA participated in the International Council of Shopping Centers and revised the "Honoring Yesterday, Building Tomorrow" brochure. She also explained that due to the excessive heat and lack of rain the Township maintenance personnel and Fire Department have worked hard to water the trees along the ring road.

The DDA has instructed the Promotion Committee to meet with Mr. Eldridge about a market concept with the United Methodist Church and forego a Farmer's Market this year.

The DDA agreed to support the Township's efforts to obtain grant funding to relocate the Play-scape equipment in Atchison Park.

The DDA engaged in a discussion regarding the organization of a Form Based Code Educational Workshop and agreed to the purchase of instruction materials in an amount not to exceed \$250.

Ms. Aniol explained the Grant Program revisions and stated that the DDA has asked the Economic Restructuring Committee to review and make recommendations on how best to revise the guidelines.

The DDA has also asked that the Organization Committee review and recommend revisions for the Mission Statement.

Ms. Aniol explained that the engineering design plans are complete for the Grand River Streetscape Project – Sewer Project and are ready to be submitted to the Road Commission, pending the Township obtaining necessary easement from specific property owners along the north side of Grand River.

The design plan for the Southwest Roundabout Landscape Project is 90% complete and the DDA anticipates the bid package to be distributed in August. Ms. Aniol also reported that the decorative stone face on the NE Roundabout has been repaired.

**Fire** – Chief McClain reported that they transitioned to the Oakland County Dispatch system as of July 1st and everything went smoothly. The purchase of the Spencer Fire Truck was approved and is on order. The truck should be ready sometime in February 2012.

He reported that extensive work has been done on the Ambulance Agreement and he found out that Milford is going out for an RFP for their ambulance agreement.

He has received many positive comments regarding the annual fire permit, there have been 110 permits given out in one month. Future projects will be working on the Cost Recovery Guidelines and review the SOG procedures.

**Planning Commission** – Trustee Dolan explained that Lowes received their special land use approval.

**ZBA** – Trustee Hicks reported that a ZBA meeting was not held but announced that the Blue Apron Bakery is now open for business.

## **APPROVAL OF AGENDA**

Supervisor Young made the following changes to the agenda:

1. Remove Twin Pines Purchase Agreement from Executive Session and add as New Business Item C
2. Add Billboards/Park under New Business Item D.
3. Add Township Owned Land to Executive Session.

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

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

**MOTION APPROVED**

**UNFINISHED BUISNESS**

**A. TriStar Committee Update**

Mr. Quinn explained that contact was made and there has been no reply or activity from American Tower. The contract with TriStar will be at the next meeting.

**NEW BUSINESS**

**A. AP-11-09 Amendment to the Pinehurst Planned Development to Allow Farming**

Mr. Doozan reviewed the McKenna Associates memo dated July 15, 2011.

Supervisor Young explained that last year this item came up and representatives from Pinehurst stated that they would like to be able to farm. The procedure needs to be followed in order to allow farming. Trustee Fletcher questioned what the Zoning Officer is doing about this issue and stated that the problem is with the selective use of the Zoning Ordinance. Supervisor Young stated the Zoning Officer is not pursuing this right now; the Township is in the process of working with all businesses trying to give enough leeway. The applicant is pursuing the process, which takes time. The Township tries to take the low hanging fruit of things that really disrupt the township and weigh each one individually. Supervisor Young explained that there are many violations in the Township and they have to go through the process and work with them. If this is not amended then it will be a zoning violation.

Trustee Hemker explained that he has an issue with Pinehurst because they were told not to put anything in the ground unless they come to the Township and go through the procedure. He didn't think there should be any action taken until Pulte explains.

Ken Hamlin, owner of 5H Farms indicated that he farms 55 acres on the Pulte piece and approximately 600 acres in total.

Trustee Dolan stated that he hated to hold the farm responsible when everyone was in agreement to allow Mr. Hamlin to go forward but the selective process needed to be stopped.

Trustee Hemker expressed his concern with how future residents would be notified. Treasurer Carcone suggested that Mr. Hamlin check with the Township from now on to see which areas could be farmed.

**Motion by Carcone, second by Dolan**

**To table AP-11-09 until the proper representation from Pinehurst can attend a meeting.**

**Voice Vote:           Ayes: 6**  
**Nays: Hicks**

**MOTION APPROVED**

**B. Consolidated Municipal Ambulance Service Agreement**

**Representing HVA: Gerald Zapolnik**

Trustee Dolan stated that he thought there would be RFP's from other services. Chief McClain explained that since that time Wixom has decided that they did not want to be involved directly but may want to tag on if they like it. Milford has also formed a 3-person committee and the RFP will be gong out this week at the latest.

Mr. Zapolnik gave a brief history of HVA and their involvement in the surrounding areas.

Trustee Hicks asked if Mr. Zapolnik has had a chance to review the revisions. Mr. Zapolnik stated that he hasn't had time to go through in great detail but the vast majority of items are operational. He explained that South Lyon agreed upon the agreement as proposed and they may have objections to any changes.

Treasurer Carcone expressed her great concern not only with the "assessment fee" but also with the amounts charged to be transported to the hospital. There is a big difference in the charge between HVA and Community or Starr. Mr. Zapolnik explained that the assessment fee has been charged for about 2 years and the rate for transport is a book rate.

Treasurer Carcone explained that she wants this to go out for more RFP's in order to compare service to service, they just don't know what the other companies offer and if it will be at a better rate. She felt this rate was expensive. She wants to know that they are giving the residents the best coverage especially when many people's medical insurance coverage has changed.

Mr. Zapolnik explained that cost is predicated on many things such as technology, staff, and type of vehicle and cost of readiness. If there are complaints with the assessment fee, they do not hard collect on those.

Mr. Zapolnik explained that the vehicle would be stationed in the township for the daytime, and the change is that it becomes a guaranteed response time within a 90% time frame of 12 minutes. It's all based on the demographics of the community and meeting the response times.

Supervisor Young explained that HVA is top notch and it is a 503C company, which means they make money on how they run their business.

Trustee Fletcher questioned the rates/response times. Mr. Zapolnik explained that the City of South Lyon's response time is less because it's a denser community and Lyon Township is much larger. Rates are not predicated with the response times.

Chief McClain explained that if HVA will incorporate the language that he has proposed, which give leeway to the Fire Department then he would have no problem with the agreement. The only stipulation is the price. Chief McClain stated that Community is very interested in talking.

Mr. Zapolnik explained that they are amenable to discuss regional prices. Treasurer Carcone stated that they have to be more reasonable. Mr. Zapolnik mentioned the Marshall Blau property and that one of the contingencies on that is closing this agreement. He stated that HVA is very committed to high quality and would come out in an RFP head and shoulders above.

Chief McClain suggested forming a committee with 3 Board members to work closely with him. Clerk Cash, Treasurer Carcone and Supervisor Young agreed to be on the committee.

Trustee Dolan stated that he agreed with getting quotes but that money doesn't mean anything when someone is sick.

**Motion by Carcone, second by Cash**

**To table the Consolidated Municipal Ambulance Service Agreement until the next regular meeting based on the Board appointing Patricia Carcone, Michele Cash, Lannie Young with Chief McClain as an Ad Hock Committee to do further investigation and bring back information.**

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

**MOTION APPROVED**

Chief McClain questioned what the duties of the committee would be? Treasurer Carcone felt it was spending money for an RFP, we are fact finding at this time to see if the committee needs to ask the board at the next meeting to spend on an RFP.

**Return to Item A on the agenda: Pinehurst Planned Development to Allow Farming**

**Representing Pinehurst:     Kevin Christenson, Atwell-representing Pulte**

Mr. Christenson apologized to the Board; he explained that he was not aware that representation was needed at this meeting. He gave a brief history of the property and explained that he would ask that the item be removed from the table.

**Motion by Carcone, second by Cash**

**To remove AP-11-09 Pinehurst Planned Development from the table.**

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

**MOTION APPROVED**

Mr. Christenson explained that Pulte Homes is requesting permission to allow farming until the remaining portions of the development are developed. He explained that Pulte does have a division in Michigan and is very active in Michigan. He explained that a letter was provided from a homeowner that allowed access through his property to the farmland, information regarding Cabrio was provided as well and Mr. Hamlin was present. A draft PUD amendment was submitted and it has been modified as requested.

Supervisor Young asked what the trigger mechanism is once the property has been developed. Mr. Doozan stated it would be an annual administration review.

Treasurer Carcone questioned why this wasn't taken care of last year. Mr. Christenson explained that a letter was received last spring and Pulte was told to amend the PUD. They were told that they were allowed to farm last year with the understanding that they would go through the process this year. They just were not aware of what the process was and the length of time it would take to complete it.

Mr. Hemker asked how future residents would be notified. Mr. Christenson explained that the information is being disclosed and that Pulte has met with the Homeowner Association and they are aware of the farming activity. Mr. Hemker stated that he would like Mr. Quinn's memo included because it contained valid points as well. Mr. Quinn reviewed the memo dated July 22, 2011.

**Motion by Carcone, second by Hicks**

**To approve the preliminary amendment to the PUD AP-11-09 Pinehurst to allow farming to include comments in the letter from Matt Quinn's office dated July 22, 2011 and the McKenna Associates letter dated July 15, 2011 and include notices to new residents.**

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

**MOTION APPROVED**

**C. Twin Pines Purchase Agreement**

Supervisor Young reviewed the purchase agreement. Mr. Quinn reviewed the Remitter Clause.

**Motion by Carcone, second by Dolan**

**To approve the proposed purchase agreement with changes to be made by counsel and allow Supervisor and Clerk to sign and present to Southeast Michigan Land**

**Holder Company.**

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

**MOTION APPROVED**

**D. Billboards/Park**

Trustee Fletcher explained that he found out about this after reading the minutes from the Planning Commission and it sounded like it was Township initiated for a sign ordinance change and rezoning.

Supervisor Young explained that the park is the ideal place to erect a billboard. There have been talks with Republic Waste concerning the lease agreement. The decision makers have said yes it can probably be done but the lawyers want to change the lease agreement, which says they can put an advertising billboard in that location. He also explained the rule within the Highway Act regarding the amount of feet it needs to be away from a certain zoning.

Trustee Fletcher stated that he could not support anything that Mr. Koegler was involved in due to his track record with the Township. Supervisor Young stated that right now Mr. Koegler is very interested in selling the advertisements. Supervisor Young explained that the Township would own the billboard, build it and advertise it out. He suggested doing an RFP for the construction of it. Trustee Hemker stated that RFP's should also go out for the advertising portion, Trustee Fletcher agreed. Supervisor Young explained the revenues that this could potentially generate for the Township.

Trustee Fletcher stated that Mr. Koegler had better be doing any work pro bono and he should know that nothing has been promised to him. Trustee Fletcher stated it was critical that they align themselves with the right partner. Trustee Hemker stated he was on board with RFP's for every step including sales.

**ADJOURNMENT**

**Motion by Carcone, second by Dolan**  
**To adjourn the regular meeting at 9:40 p.m. and move into closed session.**

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

**MOTION APPROVED**

The Regular meeting of the Township Board was adjourned at 9:40 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary

*Michele Cash*

Michele Cash  
Clerk