

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

Approved: October 3, 2011 (as written)

The meeting was called to order by Mr. Young at 7:00 p.m.

Roll Call: Michele Cash, Clerk
Patricia Carcone, Treasurer
John Dolan, Trustee
Steven Fletcher, Trustee
John Hicks, Trustee
Lannie Young, Supervisor

Absent: Brent Hemker, Trustee

Guests: 25

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 Regular Meeting Minutes of August 2, 2011
Approval of Disbursements
Building Department Report for July 2011
Fire Department Reports for July 2011
Zoning Reports for July/August 2011
Engineer Status Report as of August 2011
Fall Conference for Treasurer

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

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

MOTION APPROVED

ANNOUNCEMENTS & COMMUNICATIONS

Mr. Carl Towne spoke on behalf of the Friends of the Library to promote the membership drive. He explained that the fundraisers help with the loose ends of the library and provide services such as the summer reading program. He also explained that they will be contributing \$1800 towards the use of E books at the library. He explained the membership fees and stated that their goal is to reach 250 members.

Treasurer Carcone explained that Wally Qualls who has been a longtime electrical inspector for the Township lost his wife over the weekend.

Treasurer Carcone also reviewed the bill back from the County.

CALL TO THE PUBLIC - None

Reports

DDA – Ms. Aniol reported that the DDA is moving forward to put together an economic development strategy. She also explained that they are partnering with the East City Research Study to look at and understand the Township's strengths/weaknesses and learn from what other communities do. A press release was created and it will be out this week and will get feedback from the business community with the survey prepared by U of M.

The Way Finding plan is moving along very nicely. CDPA was hired to take the project from the conceptual stage and do the final design and fabrication.

The DDA has decided to not move forward with doing a feasibility study regarding the Costello Building at this time due to the economy. She reported that Richard Perry who put together the 3 Minutes of Lyon would like to have participation from the DDA.

Ms. Aniol explained that there would be a credit from DTE due to the estimating of the bill from January through June.

The DDA has also revised their Mission Statement.

In December the Prosper magazine featuring Lyon Township will be ready. Also, the fence repainting for the cemetery is going out for bid as is the southwest ring road bid. The Township was not awarded the LED Retro Fit Grant.

Fire – Chief McClain reported that there were 114 runs and there were two major fires. There were 190 fire permits given and it seems to be slowing down. They are at the preliminary stage of planning an Open House/Pancake Breakfast for October 16, 2011. He is also finalizing the grants for the fitness program and extrication tools.

Sheriff – Sergeant Venus reported that there was a deputy that was injured and he had a broken hand. He also reported a case of road rage that happened. He reported that there have been burglaries along Eight Mile Road where someone has been breaking into sheds/pole barns.

Planning Commission – Mr. Dolan questioned if the Board would want to move forward on creating an ordinance for Wind Mills/Solar Panels. Trustee Fletcher asked that the quote include all consultants' work. Mr. Doozan stated that he would get something together and meet with Mr. Quinn and Ms. Zawada. Mr. Towne commented that there is a need for alternative energy.

ZBA – Mr. Hicks reported that a variance was approved for 10' and a 3' variance was denied in the Pulte Subdivision.

APPROVAL OF AGENDA

Supervisor Young added item L to the agenda for the purchase of the Aspen parcel.

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

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

MOTION APPROVED

UNFINISHED BUSINESS

A. TriStar Committee Update

Mr. Quinn explained that he has not heard back after the attempts to contact the company. He did receive the revised easement agreement and he explained the options to the Board. The contract does not begin until the current contract expires in 2026. The consensus of the Board was to move forward.

**Motion by Carcone, second by Dolan
To accept the TriStar Easement and Letter Agreement for the lump sum payment of \$125,000 including a signing bonus of \$10,000 with the changes and review of the Township Attorney.**

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

MOTION APPROVED

B. Consolidate Municipal Ambulance Service

Chief McClain explained that on 8/26/11 an informal meeting was held with Community EMS. The current parameters of the current proposal with HVA were given and he is expecting their report this week. He felt it went very well.

Dale Berry, HVA, he explained the pending purchase on the old fire station in New Hudson building and that the delay will result in cost to keep that option.

Thinking that the agreement would be approved since it has been discussed for quite some time they have a report that is submitted to the State, which cost more money to submit while the Township investigates with the other provider. He explained that HVA has been serving the community for 21 years.

Supervisor Young suggested having a special meeting for this issue when a recommendation would be forthcoming. Trustee Fletcher felt that the Board needs to get better at the process when a contract is getting ready to expire they are ready with a recommendation. Trustee Dolan expressed his concern for public safety and reminded everyone that HVA is operating without a contract and has been running without a contract. Mr. Berry stated that they would like some permanence. Mr. Berry explained that Community EMS bids the ambulance pieces low because they are affiliated by a hospital. He explained that HVA does not have a hospital; they take people where they want to go. As a non-profit community service he cannot compete with Botsford Hospital.

Chief McClain explained that he would be recommending service over price. He also stated that Community EMS did not see any paperwork from HVA, it was an open bidding field. HVA does not have a contract with Milford or Wixom. He also explained that patient stability decides which hospital they go to. If the patient is stable they can elect where they want to go.

Ms. Garanich – Asked that they consider where patients will be transported. Most people don't know that they do have a choice depending on the patient's status.

NEW BUSINESS

A. AP-11-14 Heights of Elkow Farms – Replat No. 1

Mr. Doozan reviewed the McKenna Associates memo dated August 18, 2011. He recommended that the Planning Commission approve the Second Amendment to the Master Deed of the Heights at Elkow Farms as well as a Replat No 1, Subdivision Plan No. 1817, the Heights of Elkow Farms, subject to Township Engineer and Township Attorney review and resolution of the floodplain issue on the lots noted in the memo.

Ms. Zawada reviewed the Civil Engineering Solutions, Inc. memo dated August 22, 2011 stating that it is recommended that the Township Board approve the Replat on the condition that the floodplain is removed from the Lots and that the Developer wait to record the Replat until the floodplain is removed from the lots.

Mr. Quinn stated that he has reviewed the documents and all were in order and the issue regarding the floodplains has been corrected.

Motion by Carcone, second by Dolan

To approve the final application of the 2nd amendment to the Master Deed of the Heights of Elkow Farms as well as the Replat No. 1 Subdivision Plat number 1817.

Ms. Garanich. – Stated her concerns regarding construction traffic going through the subdivision and causing damage to the roadway, leaving debris behind, and clogging the sewers. She stated that there are problems now with their sewers, where things are plugged up and not being taken care of. She asked if there could be another access drive for the construction traffic. Mr. Elkow responded that those are public roads and there was no way to put in a second access for construction. Ms. Garanich stated that she would like to ensure that this does not happen with future developments and she questioned if developers are being bonded. Supervisor Young assured here that the list that was given has been addressed except for a few items that are in the works. Mr. Quinn directed her to contact the road commission.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

B. **Installment Payment Agreement for Sewer REU Purchase for Heights of Elkow Phase II**

Mr. Quinn reviewed the Payment Agreement for the Purchase of Sewer System Capacity

Motion by Carcone, second by Dolan
To enter into a contract for an installment payment agreement for the purchase of the sewer system for 38 REU's to and Elkow Farms LLC as presented in the agreement with the clerical errors corrected.

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

MOTION APPROVED

C. **AP-11-16 Saddle Creek PD Amendment**

Mr. Doozan reviewed the McKenna Associates memo dated August 18, 2011. He explained that there were no comments made during the public hearing. Following the public hearing the Planning Commission, by a 7-0 vote, recommended Preliminary Plan approval for the Saddle Creek farming proposal.

Motion by Hicks, second by Carcone
To adopt the amendment to Saddle Creek PD to allow farming AP-11-16 for the Preliminary Plan Review.

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

MOTION APPROVED

D. AP-11-13 Off Premise Advertising Signs

Mr. Doozan reviewed the McKenna Associates memo dated August 18, 2011. The Planning Commission at the August 8, 2011 meeting addressed this proposal. The Commission voted 5-2 to recommend approval of the amendments to the Township Board.

Motion by Carcone, second by Cash

To approve the first reading to recommend the revisions to Lyon Township's Zoning Ordinance as presented in the McKenna Associates memo dated 8/18/11 with the two modifications per the Township Attorney as set forth in Section 16.05 subsection D3.

Shirley Baker – Asked if this would open the door to allow other people to put signs up. Supervisor Young explained that all other sign spaces have been used up by private industry.

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

MOTION APPROVED

E. AP-11-17 Township Park Rezoning

Mr. Doozan reviewed the McKenna Associates memo dated August 24, 2011. He reviewed the criteria in Section 9.03(E). He also reviewed the Planning Commission action that passed a motion by a 6-1 vote to recommend approval of the rezoning to the Township Board. Trustee Fletcher commented that the Township would never allow private enterprise to do this. . Treasurer Carcone commented that times change and there were many things that she didn't think she would consider during a good economy, but things have changed and they have to look at this with an open mind and think out of the box.

Supervisor Young commented that the benefits had to be weighed against the sacrifice, but what's most important; Supervisor Young did not disagree with Trustee Fletcher. Trustee Dolan stated that they were unfair with the Sign Ordinance and when it becomes a situation with the Township it becomes a different issue, but on the other side he didn't want to see taxes raised and he understood the problems that the Township is facing.

Motion by Carcone, second by Young

To approve the first reading to propose a rezoning of a portion of the Township Park from R-0.3 single family residential to B3 General Commercial on parcel 21-04-20-001 as stated in the McKenna Associates memo dated 8/24/11.

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

MOTION APPROVED

Supervisor Young called for a short recess at 9:10 p.m.
Supervisor Young called the meeting back to order at 9:15 p.m.

F. Fletcher's Cove Campground

Mr. Langdon gave a brief overview of the land, which he says lends itself to a recreational use. He felt it was prudent to get a sense of what the Board thinks of the plan.

Mr. Sieber explained that there would be 379 campsites on 145 acres, 70 acres being the lake. He explained that the main entrance would be on Haas Road and that major transmission wires bisect the land. He continued that there would be approximately 80 sanitary sewer sites needed. The sites would be approximately 40' x 100', the minimum allowed is 1500'.

Mr. Doozan explained the variances that would be required. Supervisor Young questioned building homes on pilings and that the soils would need to be checked if they are unstable. Supervisor Young felt it would be feasible to build homes if pilings were done. Mr. Langdon stated that pile supported homes can be economically viable but with the overhead wires and the reality of the site they may not even get 20 lots out of the property.

Clerk Cash questioned if these would be campers or permanent structures. Mr. Langdon stated that the majority would be used during the summer season and it would be a camper use. Clerk Cash questioned if there would be buffering between the homes and the road. Mr. Langdon stated that the details are yet to be figured out and at the one particular parcel there is a creek there and it is wooded so it has a natural screen but there are areas that will be bermed.

Trustee Dolan questioned what else could be built there if the land is not suitable for homes. Mr. Langdon felt the campground would enhance the community.

Supervisor Young explained that there were major hurdles to go through with the ZBA. Mr. Langdon stated that if there were not natural features for buffering then it would be bermed.

Mr. Gary Rickard, 25348 Buckminster Drive, Novi – He asked the Board to consider developing the land to its highest and best use. He handed out pictures showing an example in Novi. He continued that Lyon Sand and Gravel has not completely reclaimed, rehabilitated their mined property that the applicant proposes for a campground. Lakefront property is too valuable to be wasted on low value, low tax paying development. He continued that two campgrounds would not work next door to one another.

Supervisor Young explained that everyone on the Board has agreed to the conceptual

plan and the applicant has to go through a process. He continued that Mr. Rickard has raised areas of consideration and those should also be voiced at the Planning Commission and ZBA as well.

Margie New – She explained that she has a settlement agreement that the applicant signed.

G. WWTP Access Drive

Mr. Crandall reviewed the Giffels-Webster memo dated August 25, 2011.

Motion by Cash, second by Hicks

To approve the Lyon Waste Water Treatment Access Drive proposed budget not to exceed \$47,432.08, which includes the bid price of \$28,392.80 from Concrete Construction Inc.

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

MOTION APPROVED

H. McLeodUSA Telecommunications Services – METRO Act Permit

Mr. Quinn explained that the previous permit expired and this is a 5-year continuation.

Motion by Carcone, second by Cash

To approve the ROW Telecommunications permit with McLeodUSA and authorize the Supervisor to endorse the contract.

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

MOTION APPROVED

I. Yerkes Drain Emergency Repair

Ms. Zawada reviewed the Civil Engineering Solutions memo dated August 24, 2011. She explained the estimated total cost for emergency repair is \$90,000.00. The Oakland County Water Resources Commission can assess the property owners in the Yerkes Drainage District for their share of the costs or they can send the Township Properties portion to the Township, for payment out of the general fund.

Don Perfetto – He asked for clarification of where the drain is located and whom it benefits. He didn't think he should pay for it since he takes care of his own road. He suggested having a watchdog to watch over the County and keep track of what kind of work is completed.

Motion by Carcone, second by Cash

To assess property owners for the Yerkes Drain emergency repair including the memo dated 8/19/11 from the Water Resources Commission.

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

MOTION APPROVED

J. County Drain Operations and Maintenance Costs

Ms. Zawada reviewed Civil Engineering Solutions memo dated August 24, 2011. The total for the maintenance of the county Drains for 2011 is \$14,128.88.

Motion by Carcone, second by Cash
To have the County roll the County Operations and Maintenance Costs to the other 4 drainage districts in Lyon Township as presented in the letter from Civil Engineering Solutions memo dated August 24, 2011.

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

MOTION APPROVED

K. Proposed Master Plan – Consider authorizing distribution

Motion by Fletcher, second by Cash
To table the proposed Master Plan until the October 3, 2011 meeting.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

L. Aspen Purchase Agreement

Supervisor Young explained that this is the 60 acres that the Township got back from foreclosure.

Mr. Quinn reviewed the purchase agreement.

Motion by Carcone, second by Hicks
To approve the agreement of sale and purchase of parcel number 21-28-200-016 between Charter Township of Lyon and Richard D. Rosen subject to receipt of signed agreement by Mr. Rosen subject to final approval by the City Attorney, and the signature of the Township Supervisor and Clerk.

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

MOTION APPROVED

ADJOURNMENT

**Motion by Carcone, second by Cash
To adjourn the Regular Meeting of the Board of Trustees and move into
Executive Session.**

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

MOTION APPROVED

The Board of Trustees meeting was adjourned at 10:43 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Michele Cash

Kellie Angelosanto
Recording Secretary

Michele Cash
Clerk