

Charter Township of Lyon  
Board of Trustees  
Regular Meeting Minutes  
December 5, 2011

Approved: January 3, 2012

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  
Brent Hemker, Trustee  
John Hicks, Trustee  
Lannie Young, Supervisor

Guests: 9

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

**APPROVAL OF THE CONSENT AGENDA**

Approval of Regular Meeting Minutes of November 7, 2011

Approval of Disbursements  
Building Department Report for October 2011  
Fire Department Reports for October 2011  
Zoning Reports for October 2011  
Engineering Reports for October 2011

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

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

**MOTION APPROVED**

**ANNOUNCEMENTS & COMMUNICATIONS**

Treasurer Carcone announced that the tax bills have gone out and if someone has not received their tax bill to get in touch with her.

Clerk Cash explained that the last day to register to vote for the Presidential Primary in

February is January 30, 2012. If you are a college student who will be out of the area on February 28, 2012 and would like to receive an absentee ballot please come into the Clerk's office and show your drivers license and sign up to receive an absentee application if you have never voted in the polls before.

Trustee Hicks reported, 78 years ago today the 21<sup>st</sup> amendment was ratified which repealed the 18<sup>th</sup> amendment, which was prohibition.

Mr. John Bell reported that there would be a ribbon cutting ceremony for Scappare Salon on Saturday, December 10 at 6:00 p.m.

### **CALL TO THE PUBLIC**

Mike Teagan, 21401 Currie Road, – He explained that he has been a resident for 34 years. He shared photos of his neighbor's property with the Board and explained that the blight problem has been an ongoing issue for upwards of 7 years. He explained that the case was heard today in court and the judge adjourned it due to Mr. Killian being out of town. He asked the Board to get involved due to the blight, unsafe conditions regarding several zoning ordinance issues and unsafe buildings. He explained that there has never been a building permit pulled for this property for two barns built, home revamped plus construction equipment stored at this address.

Supervisor Young explained that this is a difficult situation because they have to compare what the owner has to what the ordinance allows and decide if it is blight/junk. He explained that the case is in the courts and he wasn't sure what else could be done at this point. Mr. Teagan stated that his neighbor is given too much leeway, this is the 4<sup>th</sup> time they have been in front of a judge and if he could sell his home he would move.

Trustee Fletcher stated that there is a valid ticket issued and it seems to be an enforcement issue.

There was brief discussion regarding the case currently being a misdemeanor and applying to make it a civil case. Mr. Teagan stated that the Zoning Enforcement Officer is not easy to work with and he told him that the property is acceptable the way it is.

**DDA** – Ms. Aniol briefly reviewed the memo dated 11/28/11. She explained that the projects are moving along regarding the Form Base Coding, the Grand River Sewer Project and the Wayfinding Sign Project. She also reported that the DDA awarded a contract to Bell's Landscaping Services for snow removal of the walkway ramps at all 3 roundabouts and sidewalks on one side of the NE and SW Ring Roads at a cost of \$365 per cleaning.

**Fire** – Chief McClain reported that it has been a very quiet month and there were no updates on any projects. He did report that the truck should be ready for delivery the end of February or early March.

**Sheriff** – None

**Planning Commission** – None

**ZBA** – Mr. Hicks reported that there were 4 applicants, 2 of which were tabled, with one approval and one denial.

**APPROVAL OF AGENDA**

Supervisor Young added item H. DDA Appointment

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

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

**MOTION APPROVED**

**UNFINISHED BUSINESS**

**A.     Resolution Approving the Program year 2012 Community Development Block Grant**

Mr. Doozan explained that this is the revised resolution approving the program year 2012 Community Development Block Grant Application. The funds are approved in the amount as follows:

Senior Services \$16,300.00  
Minor Home Repair \$4,612.00  
Youth Assistance \$3,680.00

**Motion by Hicks, second by Cash  
To adopt the resolution for the revised resolution approving the Community Development Block Grant Application for 2012 in the amounts stated.**

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

**MOTION APPROVED**

**B.     Second Reading Property maintenance Code Board of Appeals Ordinance**

Mr. Quinn stated that the ordinance is ready for adoption.

**Motion by Hicks, second by Carcone  
To adopt the ordinance 07-11 to amend the Charter Township of Lyon Code of Ordinances, Chapter 10. Buildings and Building Regulations. Article IV, Property Maintenance Code by adding Section 10-114 Means of Appeal to**

**create an Appeals Board, establish its membership and procedures.**

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

**MOTION APPROVED**

**C. Second Reading Construction Board of Appeals Ordinance**

Trustee Fletcher questioned if this appointment would be approved by the Township Board. Mr. Quinn stated that each State law is set up differently for the methods of appointment and this one is purely handled by the Township Board Supervisor. Supervisor Young stated that he would bring the appointment to the board for approval.

**Motion by Carcone, second by Hicks**

**To adopt an ordinance 08-11 this ordinance shall be known as the 2011 Construction Board of Appeals Ordinance as provided by the Township Attorney.**

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

**MOTION APPROVED**

**D. Billboard Technical Support Proposal**

Ms. Zawada explained that it was reduced to assist with the design/construction and permitting with the State.

Trustee Dolan questioned what the hourly rate was. Mr. Koegler explained that the hourly rate was reduced to \$70.00 per hour in order to get the project moving forward he compensated on the rate.

Trustee Fletcher questioned if this proposal entailed all of the services that were needed. Ms. Zawada stated yes, although she will need additional assistance in preparing the RFP for construction.

**Motion by Fletcher, second by Carcone**

**To approve the Billboard Technical Consultant Proposal and Scope of Work with See Say Do with the hourly rate at \$70.00 per hour not to exceed \$5000.00.**

**Lise Blades** – She explained her concern regarding the amount of money that the township has spent on a project that may not be able to move forward. She referenced the Highway Advertising Act of 1972. Regardless of the zoning designation the property would not meet the requirements of the law. She asked for investigation regarding her concerns.

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

## Nays: Hemker

### MOTION APPROVED

### NEW BUSINESS

#### **A. Dedication of Peter's Farm Parcel/Historic Preservation Easement Property**

Kevin Christenson, representing Pulte Homes, explained that they are requesting a dedication of the easement property. He continued that the Historic Preservation documents require it to be maintained with limitations as to the use. The property can only be used for a farmstead, educational purposes or a single-family use.

Mr. Quinn questioned if they want to transfer ownership to the historical society. Mr. Christenson stated yes, but he was not aware of the historical society sale issue.

Mr. Quinn questioned if this dedication would take the Homeowner's Association off the hook regarding maintenance. Mr. Christenson stated that he knew there were conversations about that but he didn't know the details. Mr. Christenson stated that he was not aware of any extinguishment at this point the interest is in the dedication.

Supervisor Young stated that the Township has to approve the transfer because they have the right of first refusal. The Township tried to find a public use for it but was unsuccessful in finding anyone to take it over for public use.

Ellen Thackery, SE Michigan Field Representative, 2824 Queen St, Dearborn, MI

Ms. Thackery stated that she can't speak to all of the details but she has been involved in this project since the beginning. She monitor's the easement and their hope is to have families living on the property instead of keeping it vacant.

Supervisor Young questioned if it is sold does the purchaser maintain currently what Pulte does? Ms. Thackery stated that would have to be worked out.

Ms. Thackery stated it is more common to work with private owners and that the easements are taxable.

Mr. Quinn stated he is interested in meeting with the Historical Society to see what terms people purchase under and he questioned what happens if the owner does not have the funds for upkeep/maintenance. Ms. Thackery stated that purchasers are very unique owners and those owners are informed of what responsibilities will have to be met.

Mr. Christenson stated that the Pulte Homeowners are in favor of the dedication.

**Motion by Carcone, second by Hicks  
To table to the February 2012 meeting.**

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

**MOTION APPROVED**

**B.     Kirkway Phase II a Sewer Capital Charge Installment Agreement**

Mr. Quinn reviewed the agreement and stated it was in proper format.

Trustee Hemker raised the concern that the Township is not a bank and that this would be an incredible deal for Kirkway since the interest rate is so low and the value of the REU's would only increase over time. He was concerned that this kind of agreement could put the Township back on the hook down the line. He felt this would be a total disservice to the current sewer customers and he would not be in favor of it.

Supervisor Young explained that this agreement incentivizes developing growth in the community that will pay dividends long term. This is doing a service to the community and sewer providers because they are incentivizing growth that eventually will allow them to fund the entire sewer system.

Ms. Zawada explained that this would leave the Township with 38 REU's in the bank.

Treasurer Carcone stated that she agreed with Trustee Hemker the only reason she would agree is because they can't change the ordinance because they are in a partnership with Lyon Wastewater who won't address it. She continued that getting the developments developed is a good thing for everyone.

Trustee Hemker stated that they should pay what its worth at the current time. Trustee Fletcher stated that he agreed and thought an installment plan to spur development was a good idea but it shouldn't be at a loss or low interest rates.

Howard Fingeroot, Pinnacle Homes, explained that today is a different environment than it was 6-7 years ago. He has tried to keep his people employed the last year. He moved along building homes on land bought from banks. No one is developing lots in real estate. He explained that this is the first time he has gone back into developing lots that are not bank owned and they are 2-3 times greater in price than what he purchased from the bank. Secondly, the tap fee in Lyon Township is greater than in surrounding areas, which makes it difficult. An agreement like this makes it possible.

Supervisor Young explained that the development would have 93 lots in the second phase and this is a great incentive for growth in the Township. He explained that the more people there are online with the sewer then the more money there will be to expand.

Trustee Dolan agreed that the price of the taps is high but the applicant is willing to buy them and develop in the Township.

**Motion by Carcone, second by Dolan**

To approve the Installment Purchase Agreement, the purchase of the sewer system capacity from the Charter Township of Lyon between Pinnacle-Kirkway and Charter Township of Lyon for the purchase of 22 REU's as stated in the Installment Purchase Agreement.

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

**MOTION APPROVED**

**C.     Meeting and Holiday Schedule for 2012**

**Motion by Cash, second by Carcone**

**To adopt the schedule for 2012 Board of Trustees Holiday Schedule with the other schedules contingent on the other Boards approvals.**

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

**MOTION APPROVED**

**D.     Zoning Board of Appeals Fees**

Supervisor Young reviewed the memo dated November 22, 2011 from Katherine Des Rochers regarding increasing the ZBA application fees.

Concerns were raised regarding the burden the increase may put on residents but it was felt that it might also deter other applicants that could build without a variance. There was brief discussion regarding holding meetings quarterly to help defer the cost of the meetings to the Township.

**Motion by Hemker, second by Cash**

**To approve the increase in order to be like neighboring communities and raise the residential fee for the ZBA to \$200.00 per application.**

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

**MOTION APPROVED**

**E.     Vehicle Related Uses**

Mr. Quinn reviewed the McKenna Associates memo dated November 28, 2011. Supervisor Young asked that a Zoning Map be added to show the zoning. Mr. Quinn asked that the Planning Commission meeting minutes be attached as well.

Supervisor Young asked how this would impact the overlay district. Mr. Doozan explained that the form-based code would do away with the overlay district.

Trustee Hicks noted that with the car wash portions it notes that the vacuuming should be in the rear only and all of the car washes that allow the driver to stay in their car are located on the side or rear. Mr. Doozan stated he would change that.

Trustee Hemker stated that currently the storage portion says outside for 2 days and questioned why it would be changed to 6 days. Mr. Doozan did not recall and he explained that he would look into that and get back with Mr. Hemker.

**Motion by Fletcher, second by Hemker  
To table until next month's meeting.**

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

**MOTION APPROVED**

**F.     Billboard Advertising and Management RFP/Draft**

Ms. Zawada handed out the RFP to sell advertising and maintain the billboards to the Board. She explained that the right of way from MDOT still needed to be pursued. There was a meeting with Republic, DTE and AT&T and there are no issues with getting utilities to the site. She explained that there is a draft agreement with Republic.

Supervisor Young explained that they need to make sure the easement agreement is in place and asked that the Board consider the RFP with the minor changes.

Trustee Fletcher questioned if there were any hurdles to conquer regarding Ms. Blades concerns. Mr. Quinn stated that the ordinance adopted is different and the zoning was not done for the sole purpose of a billboard. He saw no problems with the zoning of the park property. There was brief discussion regarding what is prohibited on the signs and Supervisor Young felt that some of those items might be negotiable.

Supervisor Young questioned if political signs were big money makers and if there were issues of not being able to advertise with political signs. Mr. Stefan stated he has had no issue.

Trustee Dolan questioned the maintenance of the sign. Ms. Zawada stated that the actual costs would be borne by the Township.

Supervisor Young reviewed the remaining steps in the process.

**Motion by Fletcher, second by Carcone  
To approve the outdoor digital billboard advertising RFP to be released  
pending lease agreement with Republic.**

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

**MOTION APPROVED**

## **G. Billboard Project Update**

Ms. Zawada explained that Republic has been very cooperative regarding the draft lease agreement. The proposed agreement is for 10 years at \$10.00 per year and after 10 years it can be renewed. She explained that the Township would like a longer term and that there would be a response letter later in the week.

Ms. Zawada explained that Midwest Consulting was recommended by Republic since that company has done work at the park before and is familiar with the site. Mr. Quinn stated that he reviewed the language in the proposal and the price is very reasonable.

### **Motion by Carcone, second by Dolan**

**To enter into a contract at appropriate time with Midwest Consulting with an amount not to exceed \$2500.00 for the Lyon landfill proposed easements and lease area for survey.**

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

### **MOTION APPROVED**

## **H. DDA Appointment**

Supervisor Young reported that Mark Szerlag will be supplying his resume and is very interested in serving. They would like to extend the DDA out of the New Hudson hamlet and Mr. Szerlag has a real estate/ commercial background. Supervisor Young will be sending out his information by email and if there were a special board meeting he would add this appointment to the agenda.

### **ADJOURNMENT**

#### **Motion by Carcone, second by Cash**

**To adjourn the Regular Meeting of the Board of Trustees at 9:37 p.m.**

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

### **MOTION APPROVED**

The Board of Trustees meeting was adjourned at 9:37 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

*Michele Cash*

Kellie Angelosanto  
Recording Secretary

Michele Cash  
Clerk