

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
March 5, 2012

Approved: April 2, 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
John Hicks, Trustee
Lannie Young, Supervisor

Absent: Brent Hemker, Trustee

Guests: 12

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

APPROVAL OF CONSENT AGENDA

Approval of Regular Meeting Minutes of February 6, 2012

Approval of Disbursements

Building Department Report for January 2012

Fire Department Reports for January 2012

Zoning Reports for January 2012

Engineering Reports for January 2012

Oakland Co. Sheriff's Triannual Report

See Say and Do LLC, Bill Board Invoice

Acceptance of Grant of Permanent Sewer Easement from Miles Christi Religious Order for Parcel No. 21-24-400-006

Acceptance of Grant of Permanent Waste Main Easement from Miles Christi Religious Order for Parcel No. 21-24-400-006

Acceptance of Storm Drainage Facility maintenance Easement Agreement

Approval of transfer of Southwest Ring Road rights of way to the Count of Oakland and authorizing the Supervisor and Clerk to sign the following Deeds:

Part of Parcel No. 21-04-476-039

Part of Parcel No. 21-04-476-038

Part of Parcel No. 21-04-476-030

Part of Parcel No. 21-04-476-029

Part of Parcel No. 21-04-476-004

Trustee Fletcher asked that the See Say and Do report be pulled for discussion and

Clerk Cash asked that the SW Ring Road be pulled for discussion as well.

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

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Mr. John Bell reported that the 4th annual Kite Festival will be held on June 4 with an expansion of children's events.

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS – None

DDA REPORT

Ms. Aniol reported that the demolition of the Putter's building would be done within the next few weeks in the hopes that it will make it more marketable. The DDA Restructuring Committee has recommended that no expenditures be done at this time regarding the Costello Building. A sign will be set out for a limited time advertising space to lease and if nothing is offered then most likely it will be demolished. She reported that the Grand River Sewer project has begun. Also, the business visitation has started and she hopes it will become something that is routine. She handed out a pamphlet from the National League of Cities, the Role of Elected Officials in Economic Development.

Fire – Chief McClain reported that there are 2 new recruits. The pickup truck is in the process of being overhauled. He also reported on a small house fire on Milford Road.

Sheriff – Sheriff Venus reported that there have been more patrols in the park and ride area.

Planning Commission – Trustee Dolan explained that it was quick meeting since two items were tabled and one was removed.

ZBA – Mr. Hicks reported that a variance was granted at the last meeting.

APPROVAL OF AGENDA

Treasurer Carcone added Delinquent Taxes as item G to the agenda.

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

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

MOTION APPROVED

UNFINISHED BUSINESS

1. Consider Charter One Bank Proposal for the “Bob Saks” Building

Mr. Quinn gave a history of the property and explained where the Township stands.

David Bargamian, Attorney for Charter One Bank explained that they felt the offer was fair and good for the Township as well as the bank. He explained that the bank does not want to litigate and view it as a good thing that the property is sold. He asked that the Township approve the offer.

There was discussion regarding the escrow funds and the possibility of those funds being relinquished if the Supreme Court does not favor the Township. There was discussion regarding the importance of getting the property back on the Township’s tax roll.

Motion by Hicks, second Cash

From the gross proceeds of the sale to ALTA that at the closing the bank would pay all the back taxes and the current taxes would be prorated. Charter One would be reimbursed of their out of pocket expenses for \$287,000. That the anticipated net proceeds of approximately \$560,000 would be held by the court appointed receiver until the Supreme Court denies the pending application for appeal at which time the case is then won by the Township and the Township would release their lien and the \$560,000 would be released to Charter One Bank. If the appeal is accepted and there are further proceedings the \$560,000 would be continued to be held by the receiver subject to Charter One Bank filing an action in the Oakland County Circuit Court to challenge the Township’s lien and asking the court to determine the priority of Charter One mortgage over the Township’s lien. Reference the memo of January 10, 2012.

Mr. Bargamian stated that the bank would not take any action in the Oakland Circuit Court before the Supreme Court makes a decision.

There was discussion regarding the escrow funds and the litigation. Concerns were expressed that the Township could lose the escrow funds if the litigation was not found to be in the Township’s favor.

Trustee Fletcher suggested adding an amendment to the motion that the bank would commit, that the proceeds will be held by the receiver until the final disposition is made on the case. Mr. Bargamian stated that would be agreeable to Charter One.

Trustee Hicks agreed to the amendment to the motion and Clerk Cash continued support of the motion.

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

Nays: Carcone
Absent: Hemker

MOTION APPROVED

B. 3rd Amendment to Consent Judgment to allow ALTA final site plan approval

Mr. Quinn explained that since an agreement has been worked out with Charter One Bank then ALTA will move forward with final site plan approval.

Motion by Fletcher, second by Cash
To table the 3rd Amendment to the Consent Judgment until next month's meeting.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

NEW BUSINESS

A. Proposed Revisions to the Zoning Ordinance

Trustee Dolan questioned why the revisions were before the Board at this time. Mr. Doozan explained that an administration meeting was held and Mark Spencer will still be attending the Planning Commission meeting this month for further explanations.

Treasurer Carcone explained that Mr. Hemker noted that he was not in favor of the revisions.

It was decided to send the revisions back for further analysis by the Planning Commission.

Motion by Fletcher, second by Cash
To table until the Planning Commission makes a recommendation.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

B. Discuss Cost Recovery for Emergency Services

Mr. Hicks explained that he would like a subcommittee to be formed to review and make recommendations to the Board regarding cost recovery for emergency services. Mr. Hicks and Ron McClain will be on the committee.

C. Resolution Designing the Northeast Segment of the Ring Road as Lyon Center Drive East

Ms. Aniol explained in order to move forward the naming of the roads need to be consistent.

Motion by Fletcher, second by Dolan

To approve the resolution designing the Northwest Segment of the Ring Road as Lyon Center Drive East.

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

MOTION APPROVED

D. Resolution Designing the Northwest Segment of the Ring Road as Lyon Center Drive West

There were some minor corrections made to the document.

Motion by Fletcher, second by Hicks

To approve the resolution designing the Northwest Segment of the Ring Road as Lyon Center Drive West and with the corrections as noted.

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

MOTION APPROVED

E. Discussion regarding the Parks and Recreation Committee

Trustee Fletcher explained that a subcommittee for the Parks and Recreation should be formed in order to set up by-laws to add a level of formality around it. John Hicks, Chris Doozan, John Bell and Steven Fletcher will be a part of the committee.

F. Tri-Party Road Fund Discussion

Supervisor Young reviewed the memo dated February 29, 2012 which explained that tri-party funds have been allocated for 2012. After discussion, the consensus of the Board was to move forward with road graveling.

Motion by Fletcher, second by Hicks

To authorize the Supervisor to utilize the Tri-Party funds for road graveling pending Board approval of the road locations.

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

MOTION APPROVED

G. Delinquent Tax Turnover Fees

Treasurer Carcone reported on the 2011 properties that are going to foreclosure. She explained that by not turning over these properties to the County right now it would save the Township \$30,000.00. After discussion it was the consensus of the Board to follow her recommendation and not turn those properties over to the County at this time.

Motion by Carcone, second by Cash

To allow the Treasurer to make a decision on which parcels should be turned over to the Oakland County Revolving Fund for reimbursement and which parcels should not, pending Mr. Quinn's opinion as to whether the township can still have a lien for the amounts not turned over to the Revolving Fund for the upcoming tax sales.

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

MOTION APPROVED

Items Removed from Consent Agenda

Trustee Fletcher questioned if everything was completed in the See Say Do contract. Ms Zawada explained that the only remaining item is the MDOT licenses need to be transferred to the Township. Trustee Dolan questioned the meeting prep charges and asked for an explanation. Trustee Fletcher confirmed that no additional invoices are expected.

Ms. Zawada gave a brief account of the progress and explained that the priority is to get the lease agreement signed and that is very close to happening.

Motion by Fletcher, second by Carcone

To approve the invoice for See Say and Do.

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

MOTION APPROVED

Clerk Cash questioned the right of ways. Mr. Quinn explained that each deed represents the existing roadway and he felt conveying that information to Oakland County would resolve the issue.

Motion by Cash, second by Fletcher

To approve the transfer of the Southwest Ring Road rights of way to the County of Oakland and authorizing the Supervisor and Clerk to sign the following Deeds:

Part of Parcel No. 21-04-476-039

Part of Parcel No. 21-04-476-038

Part of Parcel No. 21-04-476-030

Part of Parcel No. 21-04-476-029

Part of Parcel No. 21-04-476-004

Part of Parcel No. 21-04-477-001

Part of Parcel No. 21-04-451-008

Part of Parcel No. 21-04-451-010

Part of Parcel No. 21-04-451-009

Part of Parcel No. 21-04-401-003

Part of Parcel No. 21-04-401-028

Part of Parcel No. 21-04-401-027

Part of Parcel No. 21-04-477-010

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

MOTION APPROVED

ADJOURNMENT

**Motion by Carcone, second by Cash
To adjourn the meeting at 8:50 p.m.**

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

The Board of Trustees meeting was adjourned at 8:50 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash

Michele Cash
Clerk