

Charter Township of Lyon  
Board of Trustees  
Regular Meeting Minutes  
May 6, 2013

Approved: June 3, 2013

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

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

Absent: Patricia Carcone

Guests: 18

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

**APPROVAL OF CONSENT AGENDA**

Approval of Regular Meeting Minutes of April 1, 2013  
Approval of Disbursements  
Building Department Report for March 2013  
Fire Department Reports for March 2013  
Zoning Reports for April 2013

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

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

**MOTION APPROVED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

Representative Hugh Crawford gave a brief update of what they have been working on and announced that his wife Kathy will be running for his seat in 2 years when his term expires. Kathy Crawford introduced herself.

Mr. Quinn gave an update on a court decision in the Township's favor regarding some property.

Mr. Hicks reminded residents that the 5<sup>th</sup> Annual Kite Festival would be held on Saturday, June 1, 2013.

Trustee Adams commended Shirley Baker for being a resident who attends the most Township meetings!

**CALL TO THE PUBLIC** - None

## **REPORTS**

**DDA** - Ms. Aniol reported that the DDA approved \$1500 to assist with Marketing for the Kite Festival, the DDA will also participate in the Metro Detroit A Force marketing program, there was discussion about adding content on the back of the Wayfinding Signs. Mr. Bell is going to investigate the cost of adding lighted garland for the street light poles. The DDA awarded the lawn-mowing contract to Total Lawn Care. There was also discussion regarding reforming TIF Regulations.

**Fire Chief** – Chief McClain stated that Representative Hugh Crawford was instrumental in the Fire Department getting out of Washtenaw/Livingston control. Grant funding came through for the imaging cameras so the extra money will put towards training. The red truck is not moving so there will be further discussion as to either lowering the price or changing brokers.

**Sheriff** – Sgt. Venus reported that the department is not interested in the grant funding. He reported that the incident at Pendleton Park has been resolved. Trustee Adams questioned if there would be a millage meeting soon. Sgt. Venus stated that they would meet when Treasurer Carcone returned from vacation.

**Planning Commission** – Trustee Dolan reported that the public hearing for Enclaves was held and it is moving forward. The wind energy and solar issues were tabled.

**ZBA** – none

**Park Advisory Board** – Trustee Fletcher reported that the new playground has been installed at the park and the old one removed. The updates to the ball fields are also in progress. There are many events looking for approval, almost continuous programs that want use of the park. He reported that the Community Center Committee are continuing to meet and looking at bidding out a conceptual plan.

## **APPROVAL OF AGENDA**

Supervisor Young added the following items to the agenda:

1. Client privilege letter to Closed Session
2. Pending litigation to Closed Session
3. Removed item H from New Business to Closed Session

Correction of item c. under New Business should read "Annual groundwater monitoring between AMEC and Lyon Township" and Twin Pines is only for Phase 2.

**Motion by Cash, second by Adams  
To approve the agenda as revised.**

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

**MOTION APPROVED**

**UNFINISHED BUSINESS**

**A. Second Reading Orchards of Lyon II, Final Planned Development  
Amendment AP-12-40a**

Mr. Doozan explained that the document is ready for approval.

**Motion by Cash, second by Dolan  
To approve the Zoning Map Amendment #155-13 and the corresponding  
amendment to the Planned Development Agreement.**

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

**MOTION APPROVED**

**B. Memorandum of Understanding with South Lyon Fire Department**

Chief McClain explained that the Charter Township of Lyon and City of South Lyon enter into this "Memorandum of Understanding" to provide expedient emergency fire and EMS service to those areas of the Charter Township of Lyon that are proximate to the City of South Lyon fire station. The Charter Township of Lyon will assist the City of South Lyon for incidents during the hours of the South Lyon Fire Department's weekday shift program.

**Motion by Fletcher, second by Hicks  
To approve the Memorandum of Understanding with the South Lyon Fire  
Department.**

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

**MOTION APPROVED**

## **NEW BUSINESS**

### **A. Supervisor's Appointments to the DDA**

Supervisor Young explained that 7 applications were received for the opening on the DDA and 6 were interviewed. He recommended Joe Ross, manager of the Wal-Mart Store in New Hudson to join the DDA Board and fill Mark Mitra's term.

**Motion by Young, second by Cash  
To nominate Joe Ross as the DDA member to complete Mark Mitra's term.**

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

### **MOTION APPROVED**

### **B. Township Server Upgrade**

Mr. Matt Shelly from Tech Resources reviewed the proposed bid. He explained he has been serving the Township for 15 years. There was discussion regarding server guaranteed responses. Mr. Shelly offered that he could offer a 4 hour guaranteed response for an additional \$500.00, M-F 8:30-5:00 p.m. He explained that they don't bill unless they are on site and installation should not exceed 24 hours at \$75/hour for a not to exceed \$1875 for installation. Mr. Shelly felt that the server could last 3-5 years.

**Motion by Cash, second by Adams  
To approve Tech Resources to install the new server for a total of \$12,607.00. \$9,832.00 for the server, \$500.00 per year for 4-hour response service, \$1875 for installation.**

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

### **MOTION APPROVED**

### **C. AMEC and Lyon Township Annual Groundwater Monitoring**

Representing AMEC:       Ron Dewyre

Mr. Dewyre explained that the work order is for the ongoing completion of quarterly groundwater sampling surveys associated with the Lyon Township Waster Treatment Plant East Beds. The sampling is required as outlined in the Groundwater Discharge Permit issued by the Michigan Department of Environmental Quality and a Sampling and Analysis Plan submitted by AMEC. The scope of work is based upon requirements

set forth in the aforementioned permit and the procedures outlined in the SAP and are consistent with ongoing activities.

**Motion by Fletcher, second by Dolan**

**To approve the work order #10 AMEC and Lyon Township for water monitoring in an amount not to exceed \$13,700.00**

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

**MOTION APPROVED**

**D. Proposal for Arsenic Removal at the Woodwind Well House**

Mr. Mayer explained that the proposal is to design a settling tank to remove metals from the Woodwind Well backwash. Backwash from the Woodwind Well iron removal system is currently discharged to the Lyon Township sanitary sewer system. The backwash contains iron and other metals, including arsenic, which settles out in the sludge at the Treatment Plant.

There was brief discussion regarding the cost, the design steps and possible options and bidding out the project.

**Motion by Hicks, second by Cash**

**To approve the study for the Arsenic Removal at the Woodwind Well House, project number 18-454 in an amount not to exceed \$6900.00**

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

**MOTION APPROVED**

**E. Twin Pines II, Site Condominium Project, Phase 2**

Mr. Doozan reviewed the McKenna Associates memo dated April 3, 2013. He recommended approval of the site plan for Twin Pines II, Phase 2, subject to inserting the note about landscaping and street trees and recommend that the Township Board approve the first amendment to the condominium Maser Deed and Exhibit B for Twin Pines II.

Ms. Zawada reviewed the CES memo dated April 24, 2013. She commented that the private utilities should not be located within the water main or sanitary sewer easements of within ten feet of the water main or sanitary sewer. Should additional private utility easement be required, the Replat shall be amended to include those easements. Also, should the utility locations change during construction, the Replat may need to be

amended to accurately reflect the easement locations.

**Motion by Cash, second by Hicks  
To approve the 1<sup>st</sup> Amendment of the Condominium Master Deed and  
Exhibit B for Twin Pines II including the comments from the McKenna  
Associates memo dated 4/3/13 and the CES memo dated 4/24/13.**

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

**MOTION APPROVED**

**F. Oakmonte Estates at Mill River, Condominium Documents AP-13-07**

Mr. Doozan reviewed the McKenna Associates memo dated April 30, 2013. He stated that all of the concerns with the Condominium Master Deed, Bylaws, and Condominium Subdivision Plan have been addressed. On April 8, 2013, the Planning Commission recommended approval, subject to approval by the Township Engineer and Township Attorney.

Ms. Zawada reviewed the CES memo dated 4/25/13. She recommended that the Township Board approve the condominium documents subject to the mentioned conditions to be addressed prior to recording. She recommended that sanitary sewer be constructed prior to a model being built or a hold harmless in substitution of that.

Mr. Mancinelli explained that he had an issue with the holding the building permits. Ms. Zawada explained that it is typical; there are two small sections of the sewer that need to be constructed. Ms. Zawada stated she would meet with Mr. Mancinelli and the Building Department to work it out, as an example she didn't want to issue a building permit if the sanitary lead is not there.

**Motion by Cash, second by Hicks  
To approve the Condominium documents as presented with the condition  
that page 24 of the Master Deed needs to be completed with the new legal  
description of Oakmonte at Mill River and subject to the Township selling  
the property to the developer and final approval of documents by attorney  
and include comments from the CES memo dated 4/24/13.**

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

**MOTION APPROVED**

**G. Water System Operator Consideration**

Supervisor Young explained that they have been discussing the possible financial

benefits of hiring a private “Water System Operator” for a number of years. Oakland

County Water Resource Commission has been the operator since the systems’ inception. Due to the Water Resource Commission’s size and overhead, it is very expensive. He reviewed a copy of the Statement of Revenues, Expenses and Changes in Net Assets for the previous full year of operations. He explained where the savings would be and how much the savings potential was per year if the Township used Highland Treatment to operate the Water System while continuing with the operation of the sewer system.

Supervisor Young explained that he also met with the County and suggestions were made for areas that could cut costs as well. He will have more to information at the next meeting.

**H. Fire Chief’s Resignation – item removed to Executive Session**

**I. Fire Fighter Flat Pay Scale Discussion**

Chief McClain reviewed the historical pay data and the plan to increase the pay scale duty day rates. There was discussion regarding the concern of giving an increase in the middle of a budget year. Chief McClain suggested forming a small committee to review the information. Trustee Fletcher, Trustee Adams and Treasurer Carcone will serve on the committee.

**J. Milford Township Water Main Request**

There was discussion regarding the Milford Township water main request. Mr. Mayer confirmed that there would be connection available. The Board showed a favorable response to accepting the request.

**K. Resolution approving Assignment of Attorney Contract**

Mr. Quinn announced the merger of his law firm with another well-known municipal law firm.

**Motion by Cash, second by Hicks  
To approve Resolution 2013-09 Resolution approving Assignment of  
Attorney Contract.**

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

**MOTION APPROVED**

**L. Resolution Adopting the Oakland County Hazard Mitigation Plan**

Chief McClain reviewed the memo explaining the Oakland County Hazard Mitigation Plan.

**Motion by Hicks, second by Cash  
To adopt Resolution 2013-10 for the Oakland County Hazard Mitigation Plan as presented.**

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

**MOTION APPROVED**

**M. Resolution Declaring the Month of May Mental Health Month**

**Motion by Cash, second by Fletcher  
To declare the Month of May as Mental Health Month in Lyon Township.**

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

**MOTION APPROVED**

**N. Purchase offer for Woodwind LLC (Foriz Farms)**

Supervisor Young explained the history of this parcel and explained that this is an opportunity to get this land developed and purchased.

**Motion by Cash, second by Dolan  
To approve the Purchase Agreement between the Charter Township of Lyon and AKGR, LLC for the 79.82 acres via tax ID #21-22-300-057 and allow the Township Supervisor to work with Mr. Quinn to finalize the terms of the purchase agreement and sign the document.**

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

**MOTION APPROVED**

Mr. Quinn introduced Jennifer Gatti from the new law firm.

**ADJOURNMENT**

**Motion by Cash, second by Hicks  
To adjourn into Closed Session at 9:30 p.m.**

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

**MOTION APPROVED**

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary

*Michele Cash*

Michele Cash  
Lyon Township Clerk