

**TYRONE TOWNSHIP
PUBLIC HEARING & REGULAR BOARD MEETING
APPROVED MINUTES – FEBRUARY 7, 2017**

CALL TO ORDER

Supervisor Cunningham called the meeting of the Tyrone Township Board to order with the Pledge of Allegiance on February 7, 2017 at 7:00 p.m. at the Tyrone Township Hall.

ROLL CALL

Present: Supervisor Mike Cunningham, Clerk Marcella Husted, Treasurer Marna Bunting-Smith, Trustees Soren Pedersen, Al Pool and Chuck Schultz. Absent: Trustee David Walker.

PUBLIC HEARING

Supervisor Cunningham opened the public hearing at 7:00 p.m. The purpose of the public hearing was to inform residents of the proposed Apple Orchard Road Improvement District of a possible future drain special assessment project in the same district. Soon after the township received the petition to form a special assessment for road improvement of Apple Orchard Drive, it was notified of a possible drain special assessment in the same area.

Many residents were in attendance. Several residents, who originally signed the petition in favor of the road project, wanted to postpone the road project until the drain issue is resolved. Other residents were completely opposed to the road project.

Ten letters objecting to the road project until the drain issue is resolved were received from:

1. Michele Bieling, 9225 Apple Orchard Dr.
2. Don & Maureen Rajsich, 9195 Apple Orchard Dr.
3. Frederick Morcom, 9224 Apple Orchard Dr.
4. Kerri Sensor, 9138 Apple Orchard Dr.
5. Edward Nowaczyk, 9040 Apple Orchard Dr.
6. Amanda Waltrip, 9186 Apple Orchard Dr.
7. Dennis Lutz, 9210 Apple Orchard Dr.
8. Darren Warford, 9011 Apple Orchard Dr.
9. Todd Whitting, 9006 Apple Orchard Dr.
10. David & Deborah Kuiawa, 9213 Apple Orchard Dr.

Ten letters completely opposing the road improvement project were received from:

1. Bill & Dee Croft, 9014 Apple Orchard Dr.
2. Christina Green, 9033 Apple Orchard Dr.
3. Zaleha Coe, 9053 Apple Orchard Dr.
4. William Coe, 9053 Apple Orchard Dr.
5. Earl Green, 9033 Apple Orchard Dr.
6. Marilyn Willingham, 9120 Apple Orchard Dr.
7. Wendy Selby, 9148 Apple Orchard Dr.
8. Tedd Selby, 9148 Apple Orchard Dr.
9. Paul & JoAnn Phelps, 9009 Apple Orchard Dr.
10. John Rinke, 9021 Apple Orchard Dr.

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Comments made by residents in attendance included:

Earl Green (9033 Apple Orchard) asked the status of the road survey [the survey has not yet closed] and said if that was passed, there would be another special assessment along with the State's newly implemented gas tax.

William Coe (9093 Apple Orchard) asked if residents will have a choice in the drain project. Supervisor Cunningham said the drain issue is in the early stages and costs haven't been made at this point; a petition still needs to be circulated. Mr. Coe also asked if the road improvement quote from the road commission was the "Cadillac" or "Chevy" version. Supervisor Cunningham said he was not certain if the road commission's quote was for a 12, 15, or 20-year fix.

Marilyn Willingham (9120 Apple Orchard) said a few years ago there was a project on the corner of Bennett Lake Rd. and Linden Rd. that rerouted traffic through Apple Orchard Dr. Heavy trucks were funneled through their sub and residents shouldn't have the entire burden of the cost in fixing Apple Orchard.

An unidentified resident asked about the language in the public hearing notice, which states "...subsequent hearings shall not be required if such cost redeterminations do not increase the estimated cost of the Project by more than 10%." Clerk Husted said it is standard language for special assessments, but if this special assessment is finalized the cost cannot increase.

An unidentified resident said the church next to the subdivision will use their road.

Treasurer Bunting-Smith explained how a special assessment works and clarified the township is not imposing this road improvement project; rather, residents gather a petition and request the township to implement a special assessment on their behalf.

Larry Laubrick (9107 Apple Orchard) said Apple Orchard has always been used as a byway and also felt the subdivision should be compensated to offset the cost of improvements.

Paul Phelps (9009 Apple Orchard) was concerned drain construction would ruin new roadwork. He also said the many garbage trucks on the road each week take a toll.

Deborah Kuiawa (9213 Apple Orchard) agreed about the many garbage trucks and would like to have a special assessment for garbage removal.

Tedd Selby (9148 Apple Orchard) asked about the drain project, when road construction could begin, and if assessments stay with the owner or the property. Supervisor Cunningham said the Drain Commissioner in attendance will explain the drain issue, if the road assessment is approved work could start in the fall, and special assessments are assigned to the property—not the owner.

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Tom Pougnet (9134 Apple Orchard) asked about the quote process. The Supervisor explained the road commission summarizes the improvements needed on the road and provides a cost estimate. The township can then request bids from independent companies when it is known what is required.

Tony Skellenger (9183 Apple Orchard) asked if enough signatures were generated on the petition. Clerk Husted said the petition had over 51% of the residents.

Bill Croft (9014 Apple Orchard) asked if residents could be assessed for both the drain and the road. The Supervisor said if both projects were to be approved, yes, there would be two assessments.

Zaleha Coe (9053 Apple Orchard) asked if a resident signed the petition, but is now opposed, can his name be removed. Clerk Husted said she'd contact the attorney to confirm. *[Feb. 8, 2017; township attorney confirmed that residents may remove their signatures from a petition.]*

Supervisor Cunningham closed the public hearing and reopened the regular meeting at 7:46 p.m.

APPROVAL OF AGENDA – OR CHANGES

Clerk Husted moved to approve the agenda as amended. (Trustee Schultz seconded.) The motion carried; all ayes. The amendments are as follows:

Added New Business- Drain Commission Q&A regarding drain project.
Added New Business- Discussion regarding engineer contracts.
Added New Business- Request for Zoning Administrator to attend workshop.

APPROVAL OF CONSENT AGENDA

**Regular Board Meeting Minutes – January 17, 2017
Treasurer's Report**

Trustee Pedersen moved to approve the consent agenda as presented. (Trustee Schultz seconded.) The motion carried; all ayes.

COMMUNICATIONS

1. Livingston County Sheriff's Report- December 2016

Treasurer Bunting-Smith moved to receive and place on file Communication #1 as presented. (Trustee Pool seconded.) The motion carried; all ayes.

PUBLIC REMARKS

Scott Dietrich (13505 White Lake Rd.) wondered how much Tyrone Township has benefited from the Economic Development Council and Ann Arbor SPARK.

UNFINISHED BUSINESS

None.

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NEW BUSINESS

1. Drain Commission Q&A regarding drain project.

Drain Commissioner Brian Jonckheere and Deputy Drain Commissioner Ken Recker attended the meeting to explain the proposed drain project in Apple Orchard subdivision and to answer questions. Mr. Jonckheere explained Michigan's Drain Code, the county's responsibilities, and why it's needed. Mr. Recker explained the particular issue: the area affects both Livingston County and Genesee County. Two residences experience flooding and filed a lawsuit. He also explained that, although two residences experience flooding, the problem involves the entire area due to elevations. He reiterated the drain project is in the early preliminary stages. Moving forward, petitions would need to be circulated, conceptual designs engineered, and easements obtained. He confirmed heavy equipment would be used during construction and could use Apple Orchard Drive, but the road itself would probably not be cut during construction. Mr. Recker answered questions from residents. (No motions were made.)

2. Presentation from Ann Arbor Spark on economic development.

Rick Scofield, Phil Santer, Julia Upfal, and Anna Zinkle from Ann Arbor Spark/EDCLC presented an overview of economic growth in the township and surrounding area. [*The PowerPoint presentation may be viewed on the township website.*]

3. Request of Anthony Hansen to appeal his fire run invoice.

Mr. Hansen had a valid burn permit, but was burning leaves 2 weeks later than the ordinance's specified dates to burn leaves and grass; he was charged \$1391. Nobody on the board knew why burning leaves and grass is only allowed between the specific dates of September 15 to November 15, but surmised that smoke from leaves and grass can be offensive when windows are open. It was pointed out that Mr. Hansen was burning 2 weeks later than November 15 when windows would be closed. Mr. Hansen expressed the \$1391 charge is a hardship for him.

Trustee Pedersen moved to split the cost of \$1391 with Mr. Hansen and reevaluate the Open Burning Ordinance. (Trustee Pool seconded.) The motion failed; 3 ayes (Pedersen, Pool, Husted), 3 nays (Schultz, Bunting-Smith, Cunningham).

After further discussion, Trustee Pedersen moved to split the cost of \$1391 with Mr. Hansen. (Trustee Pool seconded.) The motion carried; 5 ayes, 1 nay (Bunting-Smith).

4. Request of the Deputy Treasurer to attend the Michigan Municipal Treasurers Association Institute.

Treasurer Bunting-Smith moved to deny the Deputy Treasurer's request to attend the Michigan Municipal Treasurers Association Institute due to budget constraints. (Trustee Schultz seconded.) The Treasurer said the Deputy Treasurer would be able to apply for a grant or scholarship.

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5. Request to approve bonuses and raises for hourly employees.

Trustee Schultz moved to approve the amount of \$2,715.10 for bonuses and raises for the township's hourly employees. (Trustee Pool seconded.) The motion carried; all ayes.

6. Request to approve the renewal of the SSL certificate for the township's web security.

Trustee Schultz moved to approve the renewal of the SSL certificate for the township's web security at the cost of \$450 for 2 years. (Trustee Pool seconded.) The motion carried; all ayes.

7. Discussion regarding engineer contracts.

Supervisor Cunningham announced he will schedule interviews with selected engineering firms. The firms will be interviewed at workshops an hour before regular board meetings. The Supervisor asked the board to prepare questions in advance.

8. Request for Zoning Administrator to attend workshop.

Supervisor Cunningham moved to approve the Zoning Administrator's request to attend a Michigan Association of Planning workshop at the cost of \$100. (Trustee Schultz seconded.) The motion carried; all ayes.

MISCELLANEOUS BUSINESS

None.

PUBLIC REMARKS

Scott Dietrich commended the board on how they handled Anthony Hansen's fire appeal and he doesn't think there should be specific dates to burn leaves and grass in the ordinance.

ADJOURNMENT

Trustee Pedersen moved to adjourn. (Trustee Pool seconded.) The motion carried; all ayes. The meeting adjourned at 9:48 p.m.