

**TYRONE TOWNSHIP  
PUBLIC HEARING & REGULAR BOARD MEETING  
APPROVED MINUTES – APRIL 17, 2018**

**CALL TO ORDER**

Supervisor Cunningham called the meeting of the Tyrone Township Board to order with the Pledge of Allegiance on April 17, 2018 at 7:00 p.m. at the Tyrone Township Hall.

**ROLL CALL**

Present: Supervisor Mike Cunningham, Clerk Marcella Husted, Trustees Soren Pedersen, Al Pool and Chuck Schultz. Absent: Trustee David Walker and Treasurer Jennifer Eden.

**PUBLIC HEARING**

Supervisor Cunningham opened the public hearing at 7:00 p.m. The purpose of the public hearing was to review the proposed Lake Shannon Road Improvement special assessment district and to hear objections to the proposed project. Dykema Gossett finance attorney Jim Kiefer, Livingston County Managing Director Mike Craine, and Livingston County Road Commission Engineer Jodie Tedesco were in attendance to answer questions.

A summary of comments made follows:

Andy Kopec (Ore Knob Dr.) supports the project.

Kelly Kopec (Ore Knob Dr.) supports; it's a safety hazard swerving around potholes.

Joe Pellat (Parkwood Ct.) supports.

John Wiese (Parkwood Ct.) supports.

Rod Johnson (Parkwood Dr.) asked what the project involves. Mike Craine (LCRC) explained the existing road would be milled out and replaced, probably 1/2 inch higher, and will be a scheduled project.

Unidentified Resident asked about the dirt roads. Joe Pellat said the dirt roads will not be paved, but are included in the district because they derive benefit.

Randy Andreen (Lake Shannon Ct.) supports; bikes the roads and said they are getting bad fast.

Mark Kennedy (Starwood Dr.) supports.

Dave Sheffield (Starwood Dr.) supports.

Dave & Elaine Lantz (Ore Knob Dr.) support.

Kurt Heier (Ledgewood Ct.) supports; would like see the grade and runoff improved.

Bill Day (Ledgewood Dr.) doesn't understand why the road is being replaced, although areas need curbs and that should be addressed. Mike Craine (LCRC) said the road commission advised curbing the roads years ago, but it greatly increases the cost.

Deb Piper (Ore Knob Dr.) supports.

Mike Laido (Surfwood Dr.) supports and will have to pay the assessment twice; has properties in both Tyrone and Deerfield Townships.

Brian Hendricks (Ledgewood Dr.) objects; thinks improvement to the roads will allow speeders.

Greg Carnes (Lake Shannon Ct.) supports; asphalt is overdue.

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Steve Boshaw (Ledgewood Dr.) objects; stated the petition was not clear, the private roads do not derive benefit, the project needs to include speed bumps, lots of kids play in the roads and there are lots of accidents.

Marcia Dicks (Ore Knob Dr.) supports, but agreed speeding is a problem.

Mike Laido (Surfwood Dr.) agreed people speed, but it's not related to better roads.

Lyle Christensen (Parkwood Dr.) asked what the timeline is. Mike Craine (LCRC) said the project will take about 6-8 weeks and they would start in July. Mr. Christensen asked what the "sampling was of the 44-55% of the petition signers. Joe Pellat explained everyone starts out as a "no" vote, signing the petition is a "yes" vote; people against the project do not sign the petition.

Jim Merrow (Parkwood Dr.) supports, thinks the original road was great, but has failed. He thinks it's because of the poor drainage. Mike Craine explained the lifespan of any road is approximately 20 years and this road is 30 years old, so they've lasted an extra 10 years.

Brent Henry (Parkwood Dr.) approves.

Paul Sahr (Ore Knob Dr.) asked if the "circle" (cul-de-sac) would be "brought up to code" for emergency vehicles. Mike Craine said that kind of work is not being done with this project.

Julie Bell (Dean Rd.) opposed; that part of the road is rarely plowed.

Scott Wright (Ore Knob Dr.) supports; would like to see engineering snafu on curve corrected, said the road is tilted incorrectly and has seen about 30 cars off the road there.

Ken Ganapini (Ledgewood Dr.) supports, but adamantly opposed to the method of allocation. Mr. Ganapini asked who he specifically appeals to. Mr. Kiefer said he can appeal to the Michigan Tax Tribunal.

Rob Thompson (Driftwood Dr.) supports.

Alfred Chiu (Driftwood Dr.) supports.

Tim Peck (Ore Knob Ct.) supports, hoped drainage changes would not wear down the new roads, asked about curbs.

Steve Fedak (Surfwood Dr.) asked who would maintain the road going forward.

Mike Craine said the Livingston County Road Commission will maintain the roads and they'd hopefully get another 10 years past the 20-year life expectancy. He said he was all for curbing and guttering the road 30 years ago; it definitely adds cost to the project, but also value. Drainage does wear, but the typical life cycle of a road is 20 years.

Greg Witten (Parkwood Dr.) supports.

Sean Spinneweber (Driftwood Dr.) supports; commented it will be more costly the longer they wait.

Joe Pellatt (Parkwood Ct.) said the homeowners association got a quote in 2014 and the price has increased 20% since.

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Frank Albrecht (Parkwood Dr.) asked about the "periodic reevaluation of 10%" and if it becomes a lien on the property. Jim Kiefer said the language per Public Act 188, allows the cost of the project to exceed the estimated cost by up to 10% without having to start the petition process over. Mr. Albrecht asked about project details. Joe Pellat and Mike Craine agreed it's a Catch-22, because detailed costs cannot be obtained at this point, until the SAD is approved. Mike Craine summarized the project; most of the road will be removed, crushed, and that will be used to raise the base. He expects the project to be finished before Labor Day, no additional curbs will be placed, and some of the prep work has already been done by the road commission.

Karen Albrecht (Parkwood Dr.) was concerned about unknown variables.

Chris Radcliffe (Ore Knob Dr.) asked if residents of Tyrone and Deerfield Townships will pay different costs. Jim Kiefer said the construction cost is the same for both townships, but administrative and publication costs would be different and the number of parcels changes the cost between the two townships.

Jim Greiner (Ore Knob Dr.) thinks the curve needs to be re-engineered and additional signage.

Danny & Julie Bell (Dean Rd.) opposed; said they don't think the roads are any worse than any other road in Michigan and there's no urgent need to replace.

Dave Domas (Ledgewood Dr.) said bad roads are dangerous, good roads are safer. He thinks waiting to repair the road will be far more expensive later.

Russ Spencer (Driftwood Dr.) supports.

Alan McLeod (Driftwood Dr.) supports.

Bruce Carr (Driftwood Dr.) supports. Regarding notification, he said the association has very much communicated this project.

Monica Laido (Surfwood Dr.) supports.

Joe Smulsky (Driftwood Dr.) supports.

[Unidentified] thinks the method of allocation is unfair.

Clerk Marcie Husted replied they felt it was the most fair; it's too hard to assess different rates for each individual resident. Joe Pellatt said every method will have inequities.

Seven letters of opposition and ten letters of support were received and are on file. Supervisor Cunningham closed the public hearing at 8:28. After a ten minute recess, the regular meeting reconvened at 8:38 p.m.

**APPROVAL OF AGENDA – OR CHANGES**

Trustee Pool moved to approve the agenda as amended. (Trustee Schultz seconded.) The motion carried; all ayes.

The modifications is as follows:

Added: Request for a medical marijuana moratorium.

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**APPROVAL OF CONSENT AGENDA**

**Regular Board Meeting Minutes – March 27, 2018  
Regular Board Meeting Minutes – April 3, 2018  
Treasurer's Report  
Clerk's Warrants and Bills**

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

**COMMUNICATIONS**

- 1. Planning Commission Meeting Synopsis- April 10, 2018**
- 2. Planning Commission Meeting & Public Hearing Approved Minutes- February 13, 2018**
- 3. Revenue and Expenditure Report-March 31, 2018**

Trustee Pool moved to receive and place on file Communications #1-3 as presented. (Trustee Pedersen seconded.) The motion carried; all ayes.

**PUBLIC REMARKS**

Dykema Gossett finance attorney Jim Kiefer explained the next steps in the Lake Shannon road improvement special assessment process.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

- 1. Spicer presentation of building improvements.**

Phil Westmoreland, from Spicer Group, presented an overview of the proposed township building renovations and estimates.

- 2. Request to authorize engineering services for the second phase of the Orchard Park Intercounty Drain project.**

Trustee Schultz moved to authorize the engineering services of Spicer Group for the second phase of the Orchard Park Intercounty Drain project for a cost not to exceed \$4000. (Trustee Pool seconded.) The motion carried; all ayes.

- 3. Quote for additional door lock system for the township hall.**

Trustee Schultz moved to accept the quote from Fenton Lock & Safe for additional door locks for the township hall for the cost of \$1,066.73. (Trustee Pool seconded.) The motion carried; all ayes.

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**4. Additional requirements for deferred payments of REU connection fees.**

Supervisor Cunningham moved to rescind previous Resolution #180301, adopted March 6, 2018, in order to include additional requirements. (Trustee Schultz seconded.) The motion carried; all ayes.

RESOLUTION #180405  
TYRONE TOWNSHIP, LIVINGSTON COUNTY

*(Rescinds Resolution #180301 of March 6, 2018)*

RESOLUTION ESTABLISHING POLICIES AND FEES  
FOR (REU) CONNECTION FEE UNDER DEFERRAL PAYMENTS

WHEREAS, Tyrone Township Sewer Use and Rate Ordinance No. 43, Section 17 requires a property owner to pay a connection fee to connect to available municipal sewer system;

WHEREAS, the connection fee is based upon the appropriate number of REU's (residential equivalent unit) for the designated use at the rate per REU established by Tyrone Township;

WHEREAS, Tyrone Township Sewer Use and Rate Ordinance No. 43, Section 17 provides that the entire connection fee is due upon connection;

WHEREAS, Tyrone Township Sewer Use and Rate Ordinance No. 43, Section 17 authorizes Tyrone Township to grant a deferral in the payment of the connection fee;

WHEREAS, Tyrone Township Sewer Use and Rate Ordinance No. 43, Section 17 provides that the Township Board establish policies to recover costs and expenses incurred in the course of a deferral payment for purchase of additional REU's by establishing the deferral period and interest rate on the deferred payment;

WHEREAS, this resolution rescinds and amends Resolution #180301 adopted March 6, 2018;

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

Hardship Deferment.

Upon receipt of evidence of hardship, the Township of Tyrone may defer partial or total payment of a sewer tap fee.

Hardship.

Includes, but is not limited to, those persons who reasonably are unable to pay all or part of the sewer connection or tap fee by reason of permanent unemployment, substandard income, substandard fixed income, extraordinary financial obligations on the part of the person applying for said deferment or extraordinary illness on the part of the person or a member of the family of the party applying for the deferment.

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No deferment or partial payment for a connection or tap fee shall be made until such time as the Township receives written evidence of said hardship, and/or other evidence as may be requested by the Township from time to time.

Hardship deferment may be granted if:

1. Capacity for the sewer system must be available.
2. Additional REU's will be determined by the Equivalent User Table established in the Sewer Use & Rate Ordinance #43.
3. In addition to the basic permit fee, applicants shall pay the costs and expenses for an REU at the approved current rate per REU including the following terms and conditions as stated:
  - (a) 20% down payment;
  - (b) Short Term secured loan of 5 years maximum;
  - (c) Interest Rate of 5.5% or at current market lending rates if higher than 5.5% as of date of agreement;
  - (d) Township is named Lien holder as 1st or after bank mortgage;
  - (e) Signed Contract;
  - (f) Township provides Annual Payments Amortization Table for Principal & Interest amounts due each annual payment;
  - (g) No Penalties for early payoff;
  - (h) Non-Refundable;
4. The Township Clerk shall maintain accurate records regarding the expenditures made on behalf of the applicant in accordance with standards imposed by the State of Michigan and those compatible to certified public accounting procedures.
5. Additional fees may apply to Livingston Co. and are not covered by this agreement.
6. The terms contained in this resolution may be later modified by an appropriate Township Board resolution.
7. See Addendum I for further requirements.

RESOLVED BY: Trustee Schultz

SUPPORTED BY: Trustee Pool

VOTE: Cunningham, yes; Husted, yes; Pedersen, yes; Schultz, yes; Pool, yes; Walker, absent; Eden, absent.

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ADOPTION DATE: April 17, 2018

**CERTIFICATION OF THE CLERK**

The undersigned, being the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting, held on April 17, 2018, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.



\_\_\_\_\_  
Marcella Husted  
Tyrone Township Clerk

**ADDENDUM I**

**DEFERRAL PAYMENT REQUIREMENTS**

- Income under the Michigan State Income Limits
- Proof of Dependents
- Last two years of Income Tax Returns
- 20% Down Payment
- Lien holder as 1st or after bank mortgage
- Signed Contract (Mortgage & Promissory Note)
- Principal & Interest amounts due with each annual payment

**5. Project Agreement for Denton Hill Road project.**

Trustee Pool moved to approve the Denton Hill Road improvement project to fix approximately 1.17 miles between Holtforth and Germany Roads at a cost not to exceed \$150,000. (Trustee Schultz seconded.) The motion carried; all ayes. The cost is being split between the township and the Livingston County Road Commission.

**6. Quote for printing and mailing statutory public safety special assessment notices.**

Trustee Schultz moved to accept the quote from KCI to print and mail the public safety special assessment statutory notices with the cost not to exceed \$2550.24. (Trustee Pedersen seconded.) The motion carried; all ayes.

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**7. Revision to correct the amount the township contributes to the PEG  
Coordinator's salary originally approved on November 7, 2017.**

Trustee Pool moved to revise the amount the township previously approved, on November 7, 2017, to contribute to the PEG Coordinator's salary. (Trustee Schultz seconded.) The motion carried; all ayes. The corrected amount the township will contribute to the PEG Coordinator's salary is \$3,030.62.

**8. Request to adopt a policy for newly hired employees to reimburse the township  
for training costs and pay incurred.**

RESOLUTION #180406  
TYRONE TOWNSHIP, LIVINGSTON COUNTY

AGREEMENT TO REIMBURSE FOR TRAINING COSTS AND PAY  
SHOULD EMPLOYEE LEAVE EMPLOYMENT BEFORE A PERIOD OF ONE YEAR

WHEREAS, Tyrone Township is seeking to hire an employee to hold the position of \_\_\_\_\_ and perform its duties.

WHEREAS, the duties required of this employee will require certain skills and training to perform;

WHEREAS, the training required for this position is \_\_\_\_\_ and will take approximately \_\_\_\_\_ days to complete;

WHEREAS, Tyrone Township is willing to pay the cost of the training and for the time the employee attends training so long as the employee promises to continue employee's employment with Tyrone Township for a period of \_\_\_\_\_ following completion of training and further promises to reimburse Tyrone Township for the training costs and pay while training if the employee voluntarily leaves employment before completing the time period as an employee as required herein;

WHEREAS, \_\_\_\_\_ is seeking employment and has expressed an interest in the position that Tyrone Township is seeking to fill;

WHEREAS, \_\_\_\_\_ understands that training for the position is necessary and that Tyrone Township is willing to pay the cost of the training and for the time the employee attends training so long as the employee promises to continue employee's employment with Tyrone Township for a period of \_\_\_\_\_ following completion of training;

WHEREAS, \_\_\_\_\_ desires to accept the employment position with Tyrone Township with the terms and conditions set forth herein;

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NOW, THEREFORE, TYRONE TOWNSHIP AND \_\_\_\_\_ AGREE:

1. Tyrone Township agrees to pay up front the training necessary for \_\_\_\_\_ to hold the position of \_\_\_\_\_ at Tyrone Township. The training required for the position is as follows:
2. Tyrone Township agrees to compensate \_\_\_\_\_ at the rate of \_\_\_\_\_ hourly to complete the training;
3. \_\_\_\_\_ agrees to faithfully attend the training sessions and, once completed, remain in the employ of Tyrone Township for a period of \_\_\_\_\_ from the date of completion of training;
4. \_\_\_\_\_ agrees that should she / he not remain in the employ of Tyrone Township for a period of \_\_\_\_\_ from the date of completion of training that \_\_\_\_\_ will reimburse Tyrone Township for the training fees it paid and the compensation she / he received to attend training;
5. \_\_\_\_\_ specifically agrees, and gives Tyrone Township permission to, to reimburse those fees and compensation by a deduction in like amount from \_\_\_\_\_ final paycheck or paychecks to the maximum extent permissible by law and not to exceed the cost of training and compensation during training;
6. Tyrone Township and \_\_\_\_\_ agree that this document itself does not create terms of employment other than to pay the cost of training and compensation and reimbursement of the same through deductions from the final paychecks;
7. Nothing in this agreement creates an employment relationship that is for a specific period of time;
8. Nothing in this agreement creates a “for cause only” termination relationship between Tyrone Township and \_\_\_\_\_ and \_\_\_\_\_ remains an employee at will.

Dated:

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Tyrone Township  
By:

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RESOLVED BY: Trustee Schultz

SUPPORTED BY: Trustee Pool

VOTE: Cunningham, yes; Husted, yes; Pool, yes, Pedersen, yes; Schultz, yes, Walker, absent; Eden, absent.

ADOPTION DATE: April 17, 2018

**CERTIFICATION OF THE CLERK**

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\_\_\_\_\_  
Marcella Husted  
Tyrone Township Clerk

**9. Request for a medical marijuana moratorium.**

RESOLUTION #180407  
TYRONE TOWNSHIP, LIVINGSTON COUNTY  
  
TO ESTABLISH A 120 DAY MORATORIUM  
ON THE DEVELOPMENT, PERMITTING AND/OR  
OPENING OF MEDICAL MARIJUANA FACILITIES

WHEREAS, the State of Michigan has in place the Michigan Medical Marijuana Act, Initiated Law 1 of 2008, (the “Act”).

WHEREAS, inquiries have been made of Tyrone Township (the “Township”) concerning the regulation of Medical Marijuana in the Township.

WHEREAS, the Tyrone Township Board (the “Board”) believes it is in the best interest of the Township to re-examine the Act and any rules, regulations, case law, attorney general opinions and/or other information concerning the Act, and to amend the Tyrone Township Zoning Ordinance #36 with respect to the Act and to receive public opinion with respect to the effect and impact of same.

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NOW, THEREFORE, BE IT RESOLVED, by the Tyrone Township Board as follows:

1. The Board hereby places a 120 day moratorium on any and all development, permitting and/or opening of medical marijuana facilities in the Township.
2. The Board hereby instructs the Tyrone Township Planning Commission to receive public input and examine the Act and any rules, regulations, amendments, case law, attorney general opinions and/or other information concerning the Act it deems prudent in order to make a recommendation to the Board as to what regulations/ordinances, if any, it believes should be amended by the Township with respect to the Act.

RESOLVED BY: Trustee Schultz

SUPPORTED BY: Trustee Pool

VOTE: Pedersen, yes; Schultz, yes; Pool, yes; Cunningham, yes; Husted, yes; Eden, absent; Walker, absent.

ADOPTION DATE: April 17, 2018

**CERTIFICATION OF THE CLERK**

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\_\_\_\_\_  
Marcella Husted  
Tyrone Township Clerk

**MISCELLANEOUS BUSINESS**

None.

**PUBLIC REMARKS**

Don Pietz asked various questions regarding the proposed building renovation and the Orchard Park Intercounty Drain.

**ADJOURNMENT**

Trustee Pool moved to adjourn. (Trustee Pedersen seconded.) The motion carried; all ayes. The meeting adjourned at 9:47 p.m.