

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
October 5, 2009

Approved: December 7, 2009 as written

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

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

Absent: Brent Hemker, Trustee

Guests: 40+

Also Present: Chris Doozan, McKenna Associates
Matthew Quinn, Township Attorney
Ron McClain, Fire Chief
Loren Crandall, Giffels/Webster

APPROVAL OF THE CONSENT AGENDA

Approval of the Regular Meeting Minutes of September 8, 2009

Approval of Disbursements

Building Department Report for August 2009

Fire Department Reports for August 2009

Zoning Reports for August 2009

Engineer Status Report for August 2009

Oakland County Sheriff's Report January – August 2009

Motion by Carcone, second by Fletcher

To approve the Consent Agenda as written.

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Chief McClain reported that the Fire Department received a \$1500 donation from the Rotary Association to purchase new mini pagers. He also reported that the Fire Department will hold the annual Open House on October 25, 2009 from 1-4 p.m. Also, on October 30, 2009 the Lyon Township Firefighters Association will hold its Annual Halloween Party.

Supervisor Young announced that Tanglewood Golf Course has won a contest for the Best Golf Course in southeastern Michigan.

Treasurer Carcone announced that the Township has received an A+ rating by Standards and Poors. This is great news for the township since this rating gives the township the ability to bond at a lower interest rate.

Clerk Cash announced that the Clerk's Department is preparing for the election on November 3, 2009 for the South Lyon Consolidated School Board.

CALL TO THE PUBLIC - There were no speakers.

APPROVAL OF AGENDA

Clerk Cash removed item B. under New Business since the minutes had not been approved for this item.

**Motion by Fletcher, second by Hicks
To approve the agenda as revised.**

Voice Vote:	Ayes:	Unanimous
	Nays:	None
	Absent:	Hemker

MOTION APPROVED

UNFINISHED BUSINESS

A. Resolution concerning payment of fees for meeting with Township Consultants.

Mr. Quinn explained the additions and changes stated that the resolution is in a form ready for final consideration.

**Motion by Hicks, second by Carcone
To adopt the Resolution concerning payment of fees for meeting with Township Consultants.**

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

Nays: None
Absent: Hemker

MOTION APPROVED

B. Installment Agreement for Sewer Capital Charges for Leo's Coney Island

Supervisor Young explained that this is a 3 year agreement and it outlines the installment and dollar amount that would be financed.

Motion be Carcone, second by Hicks

To adopt the installment agreement for the purchase of the sewer capital charges from the Charter Township of Lyon, Leo's Coney Island.

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

Nays: None
Absent: Hemker

MOTION APPROVED

NEW BUSINESS

A. Orchards of Lyon Phase II – AP 07-21

Representing Orchards of Lyon: Steve Palms, Attorney
Dan LeClair, P.E.
Randy Sanocki, Milestone Realty
John Crane, C&W Consultants

Mr. Doozan reviewed the McKenna Associates memo dated August 20, 2009. Mr. Doozan reviewed the history of the proposed project and explained that after weighing the benefits and liabilities of the alternatives at length on August 10, 2009, by a 4-2 vote the Planning Commission voted to recommend approval of the proposed Planned Development amendment to the Township Board.

Mr. Palms presented a power slide show reviewing the projects history along with the plan for the proposed boulevard entrance onto Pontiac Trail. Mr. LeClair reviewed the contributions that were made for the benefit of Phase I residents and Lyon Township in order to modify the detention pond to alleviate flooding to neighboring properties, relocate storm sewer system on "Vet Clinic" property, provide financial surety for landscaping improvements and pay water and sewer special assessments and taxes.

Mr. LeClair explained that CPTF – Stonebrooke, LLC., is requesting the amendment to create a more marketable plan that offered a more curvilinear roadway network, additional open space and a reduction in the number of lots impacted by the gas pipeline. He continued that in order to market the plan a separate identity needed to be created along with an additional entrance along Pontiac Trail. Mr. LeClair reviewed the proposed layout of Phase II.

Mr. LeClair explained that the proposed boulevard entrance off of Pontiac Trail would include a widening of Pontiac Trail through the corridor along with a center left turn lane across the whole frontage of the Phase II property and then it transitions back into the existing two lane roadway on either end. The Road Commission has approved this plan. He continued that through the course of the Planning Commission meetings there were several concerns raised from the neighbors regarding vehicle accidents. They investigated the accident reports that had taken place at the curve. The biggest issues were vehicles that were traveling at a high rate of speed and vehicles traveling at a rate of speed higher than conditions permitted. Mr. LeClair explained that the proposed road modifications improve the existing conditions by modifying the roadway to a super elevated cross-section thru the curve, installing a concrete curb along the outside of the curve, providing a center left turn lane and increasing the horizontal curve radius, thus softening the angle of the curve.

Mr. Palms highlighted what they felt the benefits were for the proposed plan versus the existing plan, such as transfers from the existing tree escrow to the Phase I homeowners to assist in paying the cost of completion of the Phase I roadway, the creation of county drainage district for the maintenance of the drainage course in the area of the development, providing a marketing entrance, improving the roadway conditions along Pontiac Trail, additional green space and park areas, providing alternative access points away from Phase I entrances and after construction, curvilinear roadway network, completion of the driveway and landscape improvements for the Phase I – Lot 68 homeowner, increased tax revenue, reduction in the number of lots impacted by the existing pipeline easements, the addition of 116 trees planted along the roadways and enhanced value to justify the continued investment in the property including payment of the water and sewer assessment and property taxes.

Mr. Dolan asked if the road would be done right away at approval. Mr. Palms stated that there is no plan to begin work right away and they don't know what the timeline would be, but the approval would give them the right to market the development. Mr. Dolan asked if the escrow money would be released if an approval was not given. Mr. Palms stated that the escrow money may not be released if the project was turned down; this is part of an overall plan that would involve the ability to market and create value in order to market it to other parties.

Mr. Fletcher questioned the possibility of having a temporary construction/marketing entrance and then sealing it off. Mr. Palms stated that the marketing entrance establishes an identity for this development and it would enable it to be marketed better than if it doesn't have the entrance. Mr. Sanocki explained that other builders had approached the previous advisor of the fund about buying this but it was always contingent upon an entrance on Pontiac Trail, those sales never went through. Right now, they have been working on this entrance for 18 months to 2 years and they can't market it without this entrance. To open an entrance and close it up 2-3 years later, he has never seen that done in a residential development. Mr. Sanocki stated that considerations have been made with the Township as in the creation of the drainage district and if the plan is not approved that would be off the table too.

Ms. Carcone expressed her concern over the drainage district and the cost that would be placed on the homeowners. Phase I would not be in the district, it would encompass all of Phase II

and then it crosses Pontiac Trail and goes down to the drain. Mr. Crandall explained that the drainage district is probably larger than Phase II.

Alternative access points for construction were briefly discussed. Concerns were raised regarding traffic cutting through the subdivision to gain access to Grand River or vice versa to gain access to Pontiac Trail.

Mr. Crane gave a brief synopsis of the traffic report and found that the passing lane was an excellent design and that the road met the sight lines. He felt that there would not be an increase of cut through traffic with the improvements being added he did not think there would be any cut through traffic for a very long time if ever.

Supervisor Young offered time for public comment.

Bob Henock, 58251 Pontiac Trail - He commented that the curve is already banked and he felt that adding lighting and signage would be a benefit.

Bob Briggs, 58580 Pontiac Trail - He turned in a petition with 256 signatures in opposition to the boulevard entrance. He felt that everything within the boundaries of Phase II is not a bad idea, but the boulevard entrance is an issue. He commented that there were 9 accidents within the last year alone and they know it's a dangerous curve. He expressed concerns regarding the roadway and the blind spots, truck traffic and school bus pick ups. He felt that the entrance would be used as a cut through route. He commented on the pipeline and the possible expense of making it deeper as well as the expense of moving the Detroit Edison poles. He spoke about flattening or banking the road. He felt there was no reason to not keep the roadway to the apartments, he felt it would be a benefit to emergency vehicles. He commented that this was not the Road Commissions decision and if there were problems with the curve it will be the township that would be liable.

Pat, 57680 Dakota - He reminded the Board that their vote would be for the whole package not just the entrance. There would be additional tax revenue with this plan as well as a better road layout, additional open spaces. As far as the cut through traffic, he thought most people would go to ring road and cut thru. Money has been spent on having engineering companies come out and do safety studies, he felt that money should have been well spent. Ignoring the engineering teams recommendations for this seems like a waste of taxpayer money. He commented that the only way to get their home values back up is to get a developer to start building and have a marketable entrance.

Joanne Crook, 58501 Pontiac Trail - She stated that there is a blind spot at the proposed entrance either east or west. The accidents that happen there are from speed and because people cross the curve. She commented that the curve is already banked. There is already a very good entrance available, there is no need for this one, it's dangerous. How many subdivisions have 4 entrances, there is no reason,

Joel Mallory, 57669 Dakota - He commented that he lives in the sub and is in favor of the entrance. He respects the residents on Pontiac Trail regarding the safety. If this does not pass,

then nothing changes. Making the road wider will make it safer. He felt this was the chance to get things fixed at no cost to the township. With the entrance and its own marketability, people are not going to drive through Phase I to get to a model in Phase II.

Bob Henock- He questioned if he would be part of the water drainage. Supervisor Young explained that if there is a drainage district established there will be an annual maintenance fee for residents in that district. Mr. LeClair stated that at this point the drainage district has not been set yet because they have not gotten to that point, but based on preliminary discussion the vast majority would encompass the Phase II lot owners of this development.

Mr. Crane clarified that the banking on the existing road is 2.5% and it would be taken up to 4%.

Theresa Danielson. 29465 Pine View. They have a hard enough time getting out onto Pontiac Trail. To her understanding, for every new road that goes in increases accidents. The petition that Bob Briggs acquired were also UPS people and mail delivery people. She questioned how many entrances the sub needed.

Tracy Neeto. 577 Cider Mill Drive. Of the 256 signatures on the petition there are non paying taxpayers, people that don't even reside in Lyon Township. She felt that the developer has listened to the Phase I homeowners and have enhanced the development. The old developers had promised that the east entrance by the apartments would not be accessible. They all paid premium lot prices because that was not going to be an access point. They appreciate the new developer closing the road by the apartments. They have also asked that speed bumps and stop signs be added to slow down the traffic and deter cut thru traffic.

Various concerns were raised by the Board members such as the safety of Pontiac Trail with the proposed boulevard entrance, the escrow money being held instead of giving it to the residents of Phase I, the concern that Milestone Realty will sell the development for another company to develop, the establishment of a county drain and the assessment of the residents, cut thru traffic in the subdivision, creating a separate name and identity for the Phase II portion.

Motion by Carcone, second by Dolan

To deny Orchards of Lyon PD Amendment as presented by Milestone Realty.

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

MOTION APPROVED

B. Amendments to the Zoning Ordinance, Private Road Ordinance, Subdivision Ordinance, Bicycle Path and Sidewalk Ordinance.

- **Removed from agenda**

C. Resolution Approving Agreement for Traffic Control Devices

Mr. Quinn explained that the township agreed to install two traffic control devices which are rectangular rapid flashing beacons to notify vehicular traffic that pedestrian and bicycle traffic may be crossing the road. Oakland Count requested that the township have a resolution approving the maintenance of the two items.

There was brief discussion as to how much the maintenance fee would be.

Motion by Fletcher, second by Dolan

To approve the resolution approving agreement for Traffic Control Devices as presented.

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

Nays: None

Absent: Hemker

MOTION APPROVED

D. Resolution Establishing Tentative Special Assessment Roll for General Purposes

Mr. Quinn explained that this is done once per year so that any delinquencies that have accumulated for grass/weed cutting on properties or for delinquent sewer bills would be rolled onto this years winter taxes.

Motion by Hicks, second by Carcone

To approve the resolution establishing tentative Special Assessment Roll for General Purposes with the correction on #2.

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

Nays: None

Absent: Hemker

MOTION APPROVED

E. Business Registration

Concerns were raised by some Board members as to what the program would cost to run if adopted and that it may become cumbersome to businesses. Chief McClain explained how important it is for the Fire Department to have businesses register so that the Fire Department is aware of what type of businesses are in the Township and what businesses could be a detrimental issue to the Township. Concerns were also raised as to who would be responsible for handling the registrations. Chief McClain did volunteer having the Fire Department handle the registrations as long as there was a database that would be accessible to all.

Supervisor Young asked that Mr. Quinn bring this issue back at the next meeting.

F. DDA Appointment

Supervisor Young nominated Vincent DeAngelis to complete the DDA term ending 11/30/10.

Treasurer Carcone supported the nomination.

Mr. DeAngelis commented that he has lived in Lyon Township and now resides in Milford. He explained that he is on the Board of Directors at Walbridge with Ron Hausman. Walbridge has a financial stake in the community so they appreciate to have a voice with the planning that will take place.

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

Nays: None
Absent: Hemker

MOTION APPROVED

G. Bond Resolution for Refunding Bonds

Treasurer Carcone explained this bond resolution is for the refunding of the township's 1999 fire station improvement bonds and it is expected that this will save the taxpayers \$125,000. This is exactly like remortgaging a home, it is an early payoff and re-borrowing the money.

Motion by Cash, second by Dolan

To make a resolution to authorize the issuance of refunding bonds not to exceed \$2,850,000.00.

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

Nays: None
Absent: Hemker

MOTION APPROVED

H. Budget Amendments

Supervisor Young explained that hopefully by November there would be a budget for 2010, but in the meantime there was a need to make some amendments.

Motion by Carcone, second by Hicks

To approve the 2009 General Fund Budget Amendments #2 that Supervisor Young has listed in his memo dated September 25, 2009.

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

Nays: None
Absent: Hemker

Motion by Carcone, second by Fletcher
To adjourn the regular meeting at 10:15 p.m.

Voice Vote:	Ayes:	Unanimous
	Nays:	None
	Absent:	Hemker

MOTION APPROVED

The Regular Meeting of the Board of Trustees was adjourned at 10:15 p.m.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary



Michele Cash
Clerk