

Charter Township of Lyon  
Board of Trustees  
Regular Meeting Minutes  
July 2, 2012

Approved: August 6, 2012

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

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

Guests: 18

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

**APPROVAL OF THE CONSENT AGENDA**

Approval of Regular Meeting Minutes of June 4, 2012  
Approval of Disbursements  
Building Department Report for May 2012  
Fire Department Reports for May 2012  
Zoning Reports for June 2012  
Engineering Reports for May 2012  
Acceptance of Grant of Permanent Sewer Easement and Temporary Construction  
Easement for 21-28-400-001

**Motion by Cash second by Carcone  
To approve the consent agenda as presented.**

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

**MOTION APPROVED**

**ANNOUNCEMENTS & COMMUNICATIONS**

John Bell and Kim Thompson gave a brief presentation regarding the Kelly Miller Circus

that will be coming to Lyon Township on August 17, 2012. There was no issue with the Township Hall being a site for ticket sales.

Treasurer Carcone reported that the summer tax bills were mailed on 7/2/12 and is due 9/14/12 without penalty.

Clerk Cash explained that the last day to register to vote is July 9, 2012 for the August primary.

### **CALL TO THE PUBLIC**

**Mr. and Mrs. Teagan, 21401 Currie Road** – Mr. Teagan explained that they have been residents for 35 years. He handed out photos of the adjoining property to his home, which showed the blight problem. He explained that they have been dealing with this blight issue for years and recently his neighbor was before the judge and received a \$100 fine. Mrs. Teagan explained that it is an embarrassing situation not only for them but for the community as well. Trustee Fletcher commented that the trailers shown in the pictures were not RV trailers. There was discussion regarding the ordinance and that it may need some clarification. Trustee Fletcher asked that this item be added to the agenda for further discussion.

**Deanna Cunningham, 30544 Golden Valley** – She explained that she needs to replace her well due to the contaminant levels that have risen steadily due to the abandoned gas well. She explained that chloride, iron and arsenic are up and the water is not drinkable. She asked for any assistance in finding grants to help with the cost which will run between \$13,000-\$15,000. She explained that there are 5 other houses in her subdivision where the contaminant levels are rising. She questioned why the subdivision was allowed to be built due to the abandoned well. Ms. Zawada explained that a legal petition would be needed to extend the water main and there are other funding mechanisms for grants. She recommended connecting to the Township water main when the cost is about the same as a well replacement.

#### **Motion by Carcone, second by Dolan**

**To authorize Mr. Quinn to put a petition together for the Golden Valley Subdivision.**

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

### **MOTION APPROVED**

### **REPORTS**

**DDA** – Ms. Aniol reported on an article that appeared in Prosper Magazine featuring Bon A Rose. She also provided a copy of the new brochure that the DDA put together for the International Council of Shopping Centers to attract potential retailers. She also showed the Board the new roll up banner.

**Fire** – Chief McClain reported that there is a burn ban in effect due to the extreme heat

and lack of rain. He also reported that Engine 2 is in service and he explained that there are limitations that the Township can place on the use of fireworks.

**Sheriff** – Sargent Venus reported that the perpetrator was caught who was responsible for the recent home invasions. He also suggested that residents keep their car doors locked and garage doors down due to recent car break ins. He offered to answer any questions regarding the new fireworks law.

**Planning Commission** – Trustee Dolan reported that four public hearings are scheduled for the next Planning Commission meeting.

**ZBA** – None

### **APPROVAL OF AGENDA**

The following items were added to the agenda:

1. Further discussion regarding ordinance revision.
2. Resolution amendment for Engineering Design Standards.
3. Consider part time employee.
4. Consider awarding 12 Mile property sale.
5. Further discussion regarding the well/water issue brought forth by Ms. Cunningham

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

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

### **MOTION APPROVED**

### **UNFINISHED BUSINESS**

#### **A. Stoneleigh Zoning Map Amendments No. 150-12 Second Reading**

Mr. Quinn explained that the amendments are ready for final consideration.

Andrew Miller stated that it was his understanding that it was subject to administration approval and until approved the project would not move forward.

**Motion by Carcone, second by Dolan  
To approve the 2<sup>nd</sup> reading of the rezoning of Stoneleigh Planned Development subject to items 1, 2, 3 and 4 in the McKenna Associates memo dated June 20, 2012.**

**Voice Vote:           Ayes:           6  
                              Nays:           Hemker**

### **MOTION APPROVED**

**B. Consider Environmental Coverage on Insurance Policy**

**Motion by Hemker, second by Fletcher**

**To table the Environmental Coverage until the necessary information is available.**

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

**MOTION APPROVED**

**NEW BUSINESS**

**A. Tanglewood Planned Development Amendment**

Supervisor Young explained that a request was received by the applicant to table the amendment for 60 days.

**Motion by Carcone, second by Hemker**

**To table the Tanglewood Planned Development Amendment until such time the developers and homeowners feel it's necessary to come back before the Board.**

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

**MOTION APPROVED**

**B. Consider Ordinance Revision**

Trustee Fletcher explained that it seemed like this case was trying to skirt around the outside of the ordinance.

Mr. Doozan explained that many issues were discussed in the administration meetings and the amendment was presented to the Planning Commission and the Commission expressed concern about those. He explained that Mr. Spencer attended a Planning Commission meeting and explained that some amendments had a sound basis and some did not. A committee was formed and he felt it was headed in the right direction. The amendments being considered would not necessarily address the issue brought forth in the pictures from Mr. Teagan.

Trustee Fletcher questioned where the ordinance is breaking down. After further discussion it was decided that the blight section of the ordinance would cover this issue and tickets would be issued and then the case can go through the court process.

**C. AP-12-05b Walbridge Metal Center – Special Land Use**

Mr. Doozan reviewed the McKenna Associates memo dated June 19, 2012.

Mr. Doozan explained that the Planning Commission approved a motion to recommend approval of the Walbridge Metal Center special land use application to the Township Board, subject to the following conditions:

- a. The plans shall be revised to comply with the conditions in the review letters from Civil Engineering Solutions, Inc. and McKenna Associates.
- b. Administrative review shall be required on an annual basis.
- c. Renewal of the special land use permit shall be required every five years.
- d. Written procedures for intake and processing of materials shall be required.
- e. The sidewalk, bike path, and landscaping shall not be required at this time.

Ms. Zawada reviewed the Civil Engineering Solutions, Inc. memo dated June 12, 2012.

Clerk Cash questioned how the Township would know if the applicant is following the recommendations. Supervisor Young stated it would have to be monitored. There was concern among some of the Board members regarding the length of the permit.

Mr. Doozan offered new language regarding the renewal of the special land use permit.

**Motion by Fletcher, second by Carcone**

**To approve the special land use permit AP-12-05b for 1-year contingent upon the McKenna Associates memo dated 6/19/12 and the CES memo dated 6/12/12.**

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

**MOTION APPROVED**

**D. AP-12-07 Pinehurst PD Amendment – Historic Preservation**

Mr. Doozan reviewed the McKenna Associates memo date June 19, 2012. He explained that the proposed revisions to the Planned Development Agreement would achieve the same purposes as the initial Agreement, except by a different method that relieves the financial burden of maintenance and upkeep from the Condominium Association and Developer. The new approach has the potential to achieve a higher degree of protection for the property by an owner resident. At the same time, protection offered by Michigan Historic Preservation Network oversight would continue.

Kevin Christiansen, Atwell, LLC. gave a brief history of the project. Supervisor Young questioned who would maintain the property. Mr. Christiansen explained that the developer would maintain the property up until transfer of title. Mr. Quinn explained that the transfer of title should say until transferred to a 3<sup>rd</sup> party. Mr. Christiansen agreed. Treasurer Carcone asked if the homeowners are aware of this situation. Mr.

Christiansen stated that the homeowners are aware and that Pulte Homes will continue to be responsible for the maintenance until the transfer of title.

**Motion by Cash, second by Hicks**

**To approve the first reading of the 3<sup>rd</sup> Amendment Planned Development agreement with the change that the developer will be responsible for maintenance until transfer to a 3<sup>rd</sup> party.**

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

**MOTION APPROVED**

**Motion by Cash, second by Hicks**

**To approve the Historic Preservation Easement contingent upon the approval of the second reading of the 3<sup>rd</sup> amendment to the Planned Development.**

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

**MOTION APPROVED**

**E. AP-12-09 Zoning and Subdivision Ordinance Amendments**

Mr. Doozan reviewed the McKenna Associates memo dated June 20, 2012 with the recommendation that the Township Board approve the first reading on the proposed amendments to the zoning and subdivision ordinances as written. Various scenarios were briefly discussed.

**Motion by Hicks, second by Carcone**

**To approve the first reading for revisions to the zoning and subdivision ordinances to prohibit single-family lots from encroaching into certain utility easements in the interest of public safety, with the revision pertaining to platted subdivisions.**

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

**MOTION APPROVED**

**Motion by Cash, second by Carcone**

**To approve the first reading for revisions to the zoning ordinance to allow the Township administration to schedule public hearings for special land uses, planned developments and amendments. The purpose of these revisions is to streamline the review process and convey the message that the Township is business-friendly.**

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

**MOTION APPROVED**

**Motion by Hicks, second by Carcone  
To approve the first reading for revisions to clarify the conditions under which a nonconforming building may be rebuilt if it is damaged by fire or some other catastrophe.**

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

**MOTION APPROVED**

**Motion by Carcone, second by Hicks  
To approve the first reading for revisions to the regulations involving open-air displays and sales.**

**Voice Vote: Ayes: 6  
Nays: Fletcher**

**MOTION APPROVED**

**Motion by Carcone, second by Hicks  
To approve the first reading for revisions to the zoning ordinance to indicate that the rezoning sign for Planned Developments must be installed 15 days prior to the public hearing (currently 21 days).**

**Voice Vote: Ayes: 6  
Nays: Fletcher**

**MOTION APPROVED**

**F. AP-12-11 Nine Mile and Griswold Rezoning**

Mr. Doozan reviewed the McKenna Associates memo dated June 20, 2012. He explained that the Planning Commission identified the following considerations that suggest that a higher density single family residential classification would be appropriate, including: 1) site limitations will reduce the number of units that can be constructed, 2) Natural features will partially screen the development from the road, 3) R-0.3 zoning will potentially be compatible with the Hutto development to the south, and 4) the presence of 103 REU's on the property. Based on these considerations, the Planning Commission approved a motion by a 4-3 vote to recommended approval of the rezoning to the Township Board. Those who voted against the motion cited conflict with the Master Plan, impact on the gravel roads, and proximity of the railroad as concerns.

Trustee Hemker had concerns regarding building to the east.

**Motion by Hicks, second by Carcone**

**To approve the first reading for AP-12-11 to rezone from Light Industrial to R-0.3 residential.**

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

**MOTION APPROVED**

**G. AP-12-12 Saddle Creek PD, Phase 2**

Mr. Doozan reviewed the McKenna Associates memo dated June 20, 2012 with the recommendation that the Township Board approve Saddle Creek Condominium – Phase 2, subject to: 1) the Township Attorney’s approval of the proposed Agreement prepared by Attorney Timothy Koltun, and 2) submittal of a bond to cover the cost of uncompleted Phase I improvements. The bond must be submitted prior to the preconstruction meeting for Phase II.

Ms. Zawada reviewed the CES, Inc. memo dated June 19, 2012. She explained that at the June Planning Commission, the applicant committed to dedicating the future park area to the HOA through an easement or agreement. Also, the applicant shall be required to bond for the landscaping and other improvements that have not been completed in Phase 1, including the landscaping and pathway in the park, prior to scheduling a pre construction meeting.

Mr. Quinn explained that he has reviewed the final agreement and everything is in order.

**Motion by Cash, second by Carcone**

**To approve the first amendment to the Master Deed for Saddle Creek subject to Township Attorney’s approval of the proposed Agreement prepared by Attorney Timothy Koltun and a submittal of a bond to cover the cost of uncompleted Phase I improvements and the bond must be submitted prior to a pre-construction meeting.**

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

**MOTION APPROVED**

**H. AP-12-14 Wellhead Protection Overlay District**

Ms. Zawada explained that Section 42.00 of the Township Zoning Ordinance was developed through the cooperative efforts of the Township’s consultants. Single-family residential properties are exempt from this proposed Ordinance. At the June 11, 2012

Planning Commission meeting a public hearing was held with no comments received from the public and the Planning Commission voted unanimously to recommend approval of this Ordinance to the Township Board.

**Motion by Cash, second by Carcone**

**To approve the first reading of Article 42.00 Wellhead Protection Overlay District for Lyon Township Zoning Ordinance dated 4/9/12 and the CES, Inc. memo dated 6/12/12.**

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

**MOTION APPROVED**

**I. Township Engineering Design Standards**

Ms. Zawada explained that the Engineering Standards also reference the Wellhead Protection Overlay District. She also explained that she has been keeping up with the changes in those standards such as expiration dates, curb and parking and grading issues.

**Motion by Cash, second by Carcone**

**To adopt the resolution amending Engineering Design Standards Ordinance number 93A-03 entitled 2003 Engineering Design Standards.**

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

**MOTION APPROVED**

**J. Consider Part Time Employee**

Supervisor Young reviewed his memo dated July 2, 2012 recommending Patricia Jenkinson to work part time in the Building Department. Also, he requested authorization to advertise, and select an accounts payable clerk to work with Clerk Cash on a part time basis.

**Motion by Young, second by Carcone**

**To authorize Patricia Jenkinson for an hourly rate of \$12.00 per hour in the Building Department on a part time basis.**

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

**MOTION APPROVED**

**Motion by Carcone, second by Cash**

**To allow Michele Cash, Patricia Carcone and Lannie Young to search for a part time accounts payable clerk at a rate of \$12.00 per hour.**

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

**MOTION APPROVED**

**K.      Property Sale/12 Mile Road**

Mr. Quinn explained that one bid was received by Mr. Paul Elkow and the bid was in compliance.

**Motion by Hicks, second by Carcone**

**To recommend approval of the bid from Elkow LLC and authorize to proceed to closing.**

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

**MOTION APPROVED**

**I.      Well/Water Discussion**

Trustee Hicks questioned the grant from BFI. Ms. Zawada thought it covered some plumes but not this issue. Treasurer Carcone stated it was a 20-year special assessment.

Ms. Zawada stated that she would check with the State to see if there are any drinking water grants as well.

**ADJOURNMENT**

**Motion by Carcone, second by Cash**

**To adjourn the Regular Meeting of the Board of Trustees at 9:55 p.m.**

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

**MOTION APPROVED**

The Board of Trustees meeting was adjourned at 9:55 p.m. with a brief recess and then entered into Executive Session.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary

*Michele Cash*

Michele Cash  
Lyon Township Clerk