

Charter Township of Lyon  
Board of Trustees  
Regular Meeting Minutes  
August 6, 2012

Approved: September 4, 2012

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

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

Absent: Michele Cash, Clerk

Guests: 14

Also Present: Matthew Quinn, Township Attorney  
Sarah Traxler, 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 July 2, 2012  
Approval of Disbursements  
Building Department Report for June 2012  
Fire Department Reports for June 2012  
Zoning Reports for June 2012  
Engineering Reports for June 2012

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

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

**MOTION APPROVED**

**ANNOUNCEMENTS & COMMUNICATIONS**

Treasurer Carcone reported that Mr. Doozan was admitted to the hospital but is doing well.

Treasurer Carcone reminded residents to vote tomorrow. The polls will be open from 7:00 a.m. – 8:00 p.m.

## **CALL TO THE PUBLIC**

**Mr. and Mrs. Teagan, 21401 Currie Road** – Mr. Teagan reported that the pre-trail was held and 3 tickets were issued. The ticket for blight was removed. He stated that there are now 2-3 more trailers that have been added to the property since the last Board meeting. He passed out photos of the property. Supervisor Young explained that the Township is doing everything that can legally be done at this time.

## **REPORTS**

**DDA** – Ms. Aniol reported that the DDA attended International Council of Shopping Centers and it gives us the opportunity to promote the Township and spread the word that the Township is open for business. The DDA would like to start collecting ideas from people who may be interested in developing the downtown area. She announced that Kentucky Trailer Technology is the newest business in the Township, which will create 10 new jobs.

**Fire** – None

**Sheriff** – None

**Planning Commission** – None

**ZBA** – None

**Park Advisory Board** – Trustee Fletcher reported that a mini kickoff meeting had been held and they are trying to attract more applicants. The goal is to have the final 3 members at the September meeting.

## **APPROVAL OF AGENDA**

Item I was added to the agenda to discuss Ms. Zawada renting space. Item G was removed from the agenda.

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

<b>Voice Vote:</b>	<b>Ayes:</b>	<b>Unanimous</b>
	<b>Nays:</b>	<b>None</b>

## **MOTION APPROVED**

## **UNFINISHED BUSINESS**

### **A. Flag Design**

Mr. Quinn felt that the wording “Charter Township of Lyon” should be added to the flag and if that wording is not used then at the least it should say Oakland County.

After discussion, the majority of the Board members did not like the compass and felt that the lettering needed to be larger. The Board members felt that the compass did not represent Lyon Township. It was suggested to receive public input for the design.

**Carol Levitte** – She commented that the core of the old flag should carry on.

Mr. Levitte questioned why there is a need to change the flag, given the economics of today. Mrs. Levitte stated that the center of the flag should portray what the Township offers a growing, developing community.

**Motion by Carcone, second by Hicks  
To remand the flag design back to the DDA.**

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

## **MOTION APPROVED**

### **B. 2<sup>nd</sup> Reading Zoning Map Amendment No. 152-12, Pinehurst Planned Development**

Mr. Quinn explained that the amendment is in its final form for consideration.

Trustee Hemker confirmed that Pulte would maintain the property until the property is sold.

**Motion by Hemker, second by Carcone  
To approve the 2<sup>nd</sup> Reading Zoning Map Amendment No. 152-12, Pinehurst Planned Development.**

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

## **MOTION APPROVED**

### **C. 2<sup>nd</sup> Reading Zoning and Subdivision Ordinance Amendments**

Mr. Quinn gave a brief summary of the changes and explained that the amendment is in its final form for consideration.

Trustee Hemker thought there would be more discussion regarding the utility right of

way. Ms. Traxler explained that there was additional language that Mr. Doozan had written and it was not added into the draft language. Mr. Quinn explained that he would add that language.

**Motion by Hemker, second by Hicks  
To approve the 2<sup>nd</sup> Reading of the 2012 General Ordinance Amendments  
with the added language as discussed.**

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

**MOTION APPROVED**

**Motion by Hemker, second by Dolan  
To approve the 2<sup>nd</sup> reading of the 2012 Zoning and Subdivision Ordinance  
Amendment Utilities and Road Right of Way Easement Ordinance.**

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

**MOTION APPROVED**

**D.    2<sup>nd</sup> Reading Zoning Map Amendments No. 151-12, Nine Mile and Griswold**

Mr. Quinn stated this amendment changes the property from light industrial to single family residential and it is in its final form.

**Motion by Hicks, second by Carcone  
To adopt the 2<sup>nd</sup> Reading Zoning Map Amendments No. 151-12, Nine Mile  
and Griswold.**

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

**MOTION APPROVED**

**E.    2<sup>nd</sup> Reading of Article 42.00 Wellhead Protection Overlay District for Zoning  
Ordinance**

Mr. Quinn explained that this amendment protects the water supply of the Township.

Ms. Zawada explained that the program was initiated because the State of Michigan has grant funds available for this program and the Township was successful for two



Ms Traxler Reviewed the McKenna Associates memo dated July 20, 2012. She explained that the Conceptual Review gives the Township Board the opportunity to offer input into the development before it precedes on to the more rigorous Preliminary and Final Reviews.

Mr. Bennett gave a brief history of the project. He highlighted the natural features of the property and explained the SAD sewer route. Mr. Bennett reviewed the proposal for paving a portion of 9 Mile Road, which would total approximately 2234'. Regarding the bike path, the proposal is to either pave it or donate money into the pavement fund. He explained that the entrance will be moved approximately 250' to the east due to the site distance of 9 Mile Road and the gas pipeline.

Trustee Hicks commented that he likes the 350' setback from 9 Mile Road. He asked that the applicant keep in mind the utility boxes that will be installed and asked that those be hidden as much as possible. Mr. Bennett agreed and stated that they will make sure that any utility boxes are set behind screening walls or landscaping and will not be seen from 9 Mile Road.

Trustee Dolan explained that the Planning Commission had concerns with only one entrance in and out. Mr. Bennett explained that a stub road couldn't be put in on the north due to wetlands or to the east due to the private residential street. There is a stub to the west for future connection on the horse farm. He explained that the Fire Department did not have a problem with the single entrance. The other dilemma they have with a double entrance is again the topographic issues on 9 Mile Road and the wetlands.

Treasurer Carcone asked that the applicant reconsider the name of the development since there is an already a Woodwind development. She felt it could cause a safety concern. She also asked if there is any REU's left that they be donated to the Township.

Trustee Hemker commented that he would like to see less density to keep it more in line with the Master Plan.

Supervisor Young explained that the applicant's cooperation regarding the southwest sewer saved the Township tens of thousands of dollars to meet the Township's obligation for the southwest sewer. He felt the layout was great with 100' lots and given the economics of today and when the details are tweaked out he felt we would all benefit from it.

Mr. Quinn commented on lot 89 and that the home would have 8 neighbors. Mr. Bennett explained that given the topography most of the neighbors would not be seen but he would look at it again.

Trustee Fletcher felt that density was also a concern and questioned how far the original plan had progressed. Mr. Bennett stated that the original plan was one meeting away from the preliminary plan approval.

The consensus of the Board was to move forward with the proposed plan. Trustee

Fletcher asked for less density.

**C. AP-12-18, Cambrian of Lyon Rezoning**

**Representing Cambrian of Lyon: Nick Mancinelli**

Ms. Traxler reviewed the McKenna Associates memo dated July 13, 2012. She explained that the property proposed for rezoning is a problem parcel. It is occupied by an unattractive concrete building, which has limited use potential. An FAA tower looms over the site. Proposals to reuse the site over the past twenty-plus year have failed to germinate. The Planning Commission voted to recommend the rezoning to the Township Board by a 6-0 vote.

Mr. Mancinelli explained that 90 units are proposed and the unattractive building will be re-roofed and re-faced and will be used as the center of the facility. He explained that the building would be 150' from Ten Mile Road. He explained that if it is rezoned he is 95% sure that they have a loan secured.

The consensus of the Board was that this project would be good for the Township.

**Motion by Carcone, second by Dolan  
To approve the 1<sup>st</sup> reading of AP-12-18 Cambrian of Lyon, rezoning O-1  
Office District to Residential R-1.0**

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

**MOTION APPROVED**

**D. ALTA Equipment Company Site Redevelopment**

**Representing ALTA Equipment Company: Art Kasik  
Greg Turner**

Ms. Traxler reviewed the McKenna Associates memo dated July 31, 2012. She explained that the plan is in compliance with Township planning and zoning criteria. Therefore, it is recommended to approve the revised plan for Alta Equipment Co., subject to Township Engineer approval.

Mr. Quinn explained that this is subject to the 4<sup>th</sup> amendment to the consent judgment as well as consultants/engineer reviews.

Ms. Zawada reviewed the CES memo dated 8/2/12 and noted that the applicant shall be required to meet the sodium permit level of 120 mg/L and the chloride permit level of 250 mg/L. She explained that the Township is in enforcement mode and it is a serious issue to the Township. The applicant is aware that there is an existing drainage issue

to the east and have expressed that they will attempt to resolve the problem. She felt there was a simple fix for this. The additional sanitary sewer capital chargers will be required for the addition of the tire service center. Detailed engineering plan review is also required and the applicant has submitted those plans. One of the requirements is that the parking lot be paved with curb and gutter considering the use of the heavy equipment on this site she recommended that this requirement is waived and allow the hard packed gravel as shown on the submitted plan.

Mr. Kasik explained that the retention pond is at its maximum flow through. Ms. Zawada explained that when there is offsite drainage that comes onto the property they are not required to retain it. She explained that the water should pass through the system when the site was originally designed and there is an opportunity to correct it. She felt it would be a simple fix. She would like the applicant's engineer to evaluate the volume. Ms. Zawada explained that this system has two 100-year storm volumes for an extra safeguard. Mr. Kasik agreed that he understood that that the retention pond is subject to planning and engineering letters. Mr. Kasik stated that it is really an MDOT issue but they will continue to work on it. Mr. Kasik commented that the wash bay or tire center would not be put up in one day.

Trustee Hemker commented on the drainage issue, and with the amount of concrete that will be added he is concerned. Mr. Kasik stated that the concrete is just replacing the existing asphalt. Mr. Hemker stated he was concerned regarding resident concerns. He wanted to make sure that the residents were aware of what is going on.

Treasurer Carcone stated she is concerned with the noise the tire center could create. Mr. Kasik stated that it is not your typical tire center, it is an industrial use and it is a very quiet operation. Mr. Kasik commented that the wash bay is proposed on the west side and everything is enclosed. The sandblasting is not a use that goes on everyday, it is inside an enclosed building and the compressor is located inside. Mr. Turner explained that the washing side of the business uses steam; it is not a soapy sudsy business.

Trustee Hemker felt that since there is an addition to the building public notification needed to be given. Mr. Turner explained that when the first site plan for Bob Saks came through it did include a sister building that was much larger than the proposed tire center. Mr. Kasik explained that all of the activity would be on the west side of the building away from residents.

**Motion by Carcone, second by Fletcher**

**To approve ALTA Equipment site plan per the Allen Design Plans dated 7/31/12 and the ALTA Equipment drawings dated 7/28/12 subject to McKenna Associates memo and CES memo and subject to final approval of the 4<sup>th</sup> amendment to the consent judgment.**

<b>Roll Call Vote:</b>	<b>Ayes:</b>	<b>Carcone, Fletcher, Young, Hicks, Dolan</b>
	<b>Nays:</b>	<b>Hemker</b>
	<b>Absent:</b>	<b>Cash</b>

**MOTION APPROVED**

**E. Fireworks Ordinance**

Mr. Quinn explained that at the recent Administrative Staff Meeting it was suggested that the Board of Trustees discuss whether or not they would like to adopt a Fireworks Ordinance to control the use of fireworks within the Township.

After discussion, the Board felt that this kind of ordinance would not be enforceable.

**F. Disposal of 1999 American Fire Rescue Vehicle**

**Motion by Carcone, second by Fletcher**

**To direct Chief McClain to list the 1999 American Fire Rescue Vehicle.**

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

**MOTION APPROVED**

**G. Applebee's Entertainment Permit Request**

Mr. Quinn explained that games are now classified as entertainment by the State and there is a resolution that will allow the continuation of those games.

**Motion by Carcone, second by Hicks**

**To approve the resolution for the Applebee's Entertainment Permit Request.**

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

**MOTION APPROVED**

**H. Request for Rental Space**

Ms. Zawada requested renting a small portion of the basement of the Township Hall in her memo dated 8/1/12. The Board accepted her request and came to the agreement of \$200 per month.

**Motion by Hicks, second by Carcone**

**To allow Ms. Zawada, CES, Inc. to rent space on a month-to-month lease for unit B at a rental rate of \$200.00 per month.**

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

**MOTION APPROVED**

**ADJOURNMENT**

**Motion by Carcone, second by Hemker  
To adjourn the Regular Meeting of the Board of Trustees at 10:04 p.m. and  
move into Executive Session.**

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

**MOTION APPROVED**

The Board of Trustees meeting was adjourned at 10:04 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary

*Michele Cash*

Michele Cash  
Clerk