

Charter Township of Lyon  
Board of Trustees  
Regular Meeting Minutes  
June 3, 2013

Approved: July 1, 2013

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

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

Guests: 24

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

**APPROVAL OF CONSENT AGENDA**

Approval of Regular Meeting Minutes of May 6, 2013  
Approval of Special Meeting Minutes of May 17, 2013  
Approval of Disbursements  
Building Department Report for April 2013  
Engineering Report June 2013  
Fire Department Reports for April 2013  
Zoning Reports for May 2013  
Acceptance of Sidewalk Easement from Cook Enterprises, LLC at property 28060  
Pontiac Trail, South Lyon 48178

**Motion by Cash, second by Adams  
To approve the Consent Agenda as presented.**

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

**MOTION APPROVED**

## **ANNOUNCEMENTS AND COMMUNICATIONS**

Laura Marshall from Colonial Life Benefit gave a brief presentation reviewing the many items that Colonial Life can offer the Township's employees at no cost to the Township. She confirmed that all items could be payroll deducted and are pre-tax dollars.

Holly Teasdale gave the Annual Library Report for 2012. Circulations have continued to rise since the millage in 2008. E-books are one of the most popular services. There was a 3% increase in patrons but an overall increase of 30% since 2008. 75% of Lyon Township is actively using the library. She reviewed the programs offered by the library.

Jim Chuck thanked the many sponsors that made the Kite Festival possible. He explained that there were no safety issues. He also read a letter that was received from Active Faith explaining what the donations will do for the needy in our area.

## **REPORTS**

**DDA** - Ms. Aniol reported the DDA is researching the cost to engineer, design and construct, approximately 400' sidewalk between the New Hudson Plaza and the Huron Valley Trail. The DDA will be participating in the ICSC at the Suburban Showcase this year. The DDA has approved an investment of \$17,000 in labor and materials to decorate the street lamps during Christmas. The cost will be offset by sponsorships. There has been a request to develop an IDD district from Kennedy Industries. One Stop Ready Communities 1<sup>st</sup> Academy session is scheduled for June 27<sup>th</sup>.

**Fire Chief** – Chief McClain reported on the lightning strike that happened last week in the Township.

**Sheriff** – None

**Planning Commission** – Trustee Dolan reported the solar and wind energy are still being looked at as well as Form Based Code.

**ZBA** – none

**Park Advisory Board** – Trustee Fletcher reported that the new playground equipment is up and running and the renovations to the baseball diamonds are complete. The Junior Baseball League is interested in partnering with the Township to make yearly improvements to the ball diamonds.

## **APPROVAL OF AGENDA**

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

**Roll Call Vote:     Ayes: Unanimous  
                          Nays: None**

## **MOTION APPROVED**

**UNFINISHED BUSINESS** - None

## **NEW BUSINESS**

### **A.     Fire Chief Application and Interview Process**

The Board discussed the interview process at length along with identifying the Township needs, residency requirement, job experience required for the position and salary.

**James Huffman** – He explained that firefighters make \$16/hour and Fire Chief's make \$75,000 and up and they need to reside in the Township, they need the Fire Chief here.

**Jim Szafarczyk** - He explained his job experience in Hamtramck as Chief and he commented that the new hire should live in the Township, he felt that was very important. He explained that he has also been a firefighter in the Township in order to be a part of the community. He stated he will apply for the position and explained his experience.

Chief McClain suggested offering a monetary incentive if the candidate lives in the Township. He explained that some of the job requirements are not skills that are learned in school and felt that some people would falter in those areas such as seeking grant funding.

**No action was taken.**

### **B.     AP-12-16 Woodlands of Lyon Road PD – Preliminary Review**

Mr. Doozan reviewed the McKenna Associates memo dated May 28, 2013 with the following recommendation:

The following principal issues are for consideration:

1. 103 units are proposed 18 more than would be permitted under conventional zoning.
2. Front and side setback modifications are proposed, as noted in items 3 and 4 on pages 3 and 4 of the McKenna memo dated 5/28/13.
3. Street name adjustments are required.
4. Revisions to the Landscape Plan are required.

At the public hearing, the Planning Commission heard from three people, all of who expressed concern about the density and the impact of the development on the area.

Following discussion, the Planning Commission approved a motion (by a 7-0 vote) to recommend approval of the development to the Township Board, subject to the following conditions: 1) the bike path must be paved to the wetlands and the cost to extended it to the east property line must be deposited in the Bike Path and Sidewalk Development Fund, and 2) the road paving must be extended to the east property line.

Ms. Zawada reviewed the CES memo dated May 24, 2013. She explained that the wetland setback on Lot 6 is located within the building envelope. Wetland setbacks are partially located on Lots, 16, 45, 46 and 68. The development roads are proposed to be public under the jurisdiction of the RCOC. It is noted that Phase 1 roads will be impacted during construction of Phase 2 as there is only one public road access to Phase 2 and Phase 2 is surrounded by wetlands and properties that are not part of the development. It is recommended that the applicant complete the analysis to determine the necessary size of the internal water main and if a loop to the north is necessary to meet these requirements. The proposed water main extension across the entire Nine Mile Road frontage of the development must be 16" in diameter. She also briefly reviewed the storm system.

Mr. Duane Bennett reviewed the 25' wetland buffer and explained that a wetland preservation easement will be placed on the lots that are buffered by wetlands. Regarding lot 6, if needed the corner of that lot would be cut out for the wetlands but he didn't think it would be needed at this time. He explained that a 16' water main will be extended along 9 Mile and full-blown calculations will be done since there is the potential for pressure problems. He explained that there may be a way to loop the main if needed and if that aspect failed they are prepared to put in booster stations if needed. The storm water basins are significant and there is additional land if needed to enlarge those. He stated he is confident that the Engineering concerns will be met. He stated they have no issue building the bike path to the east property line and put remaining funds in the bike path/sidewalk fund.

Mr. Bennett reviewed the proposed paving of 9 Mile and explained that it was more of a public benefit to pave 485' more than required. He felt it was a benefit not to have the hopscotch of gravel road/pavement from Griswold. The Board agreed to begin the paving from Griswold Road to the entrance. There were no issues with the density or the proposed setbacks. Mr. Bennett confirmed that new street names have been submitted and should be acceptable.

**Motion by Carcone, second by Hicks**

To approve the Preliminary Planned Review #1 for the Woodlands of Lyon Planned Development including the review letters from McKenna Associates dated 5/28/13 and the CES memo dated 5/24/13. The Board agrees with the proposed density of 103 units with 1 REU coming back to the Township. The paving of 9 Mile Road from the entrance to Griswold Road, the bike path to be built to the edge of the wetlands with the remainder of the money to be deposited into the Bike Path Sidewalk Fund, and the setback modifications are approved as presented.

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

**MOTION APPROVED**

**C. AP-12-25 Verizon Wireless Tower – Special Land Use**

Mr. Doozan reviewed the McKenna Associates memo dated 5/20/13. He concluded that based on the analysis presented, the Verizon Wireless proposal is in compliance with special land use criteria. Therefore, consistent with the Planning Commission's recommendation, it is recommended that the Township Board approve this special land use application.

Ms. Zawada reviewed the CES memo dated 5/24/13. She explained that the proposed drive should be extended to the limits of this project. The foundation design shall be submitted during the detailed engineering plan review. The drive cross-section as well as several soil borings along the proposed drive will be required. The culvert sizing method shall be provided. A wetland permit from the State of Michigan is required prior to scheduling a pre-construction meeting. The approach construction will be permitted through Road Commission Oakland County and the gate location is preferable further to the north.

Mr. John Crane, representing Verizon explained that they had no problems and would comply.

**Motion by Cash, second by Carcone**

To approve the special land use for Verizon AP-12-25 referencing the 6 items in the CES memo dated 5/24/13 and the McKenna Associates memo dated 5/20/13 and the lease agreement.

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

**MOTION APPROVED**

#### **D. AP-13-10, 10 Milford 18 PD-Conceptual Review**

Mr. Steve Robinson reviewed the conceptual plan. He confirmed protection of the residents that abut the gas station. He explained the strong need for a gas station in the township at this location. He confirmed that the car wash was removed from the plan.

The Board felt they had made it clear to the applicant at the last meeting that they wanted to see a very strong residential appearance to the buildings, with no flat roofs. Most Board members felt that there is a need for a gas station in the area.

Mr. Doozan reviewed the McKenna Associates memo dated 5/16/13. The memo identified several concerns dealing with land use, density, traffic impact, and natural features that affect the feasibility of the proposed development.

Ms. Zawada reviewed the CES memo dated May 24, 2013. Soil borings should be submitted with the Preliminary PD submittal. Also, a part of the property is within the wellhead protection area and shall be shown and identified with the preliminary PD submittal for review and where the underground storage tanks for the gas station will be located in relation to the wellhead protection area.

Mr. Robinson stated that changes would be made to the plan to reflect all of the concerns. He explained that there will be buffering provided to the residential site to the north. He confirmed there are no plans at this time to put in other commercial type businesses.

**Shirley Baker** – She commented on a need for a left turn lane.

**Chriss Roberts** – He commented on putting a gas station by residential and the need to protect the wellhead protection area. He explained that 1 out of 4 Michigan gas stations are leaking. He commented that Novi is looking at putting a gas station at Napier and Ten Mile and felt that was a better fit. He also commented that the proposed residential portion of this application is very tight and should be reviewed further.

No action was taken on this item. Mr. Robinson thanked the Board for their comments.

Mr. Quinn suggested **moving item H** on the agenda up to accommodate the applicant. The Board agreed.

#### **H. Authorize Supervisor and Clerk to Sign Partial Release of Mortgage for Stoneleigh PD**

Mr. Quinn explained that there are no problems with the paperwork.

**Motion by Hicks, second by Adams**  
**To approve the Supervisor and Clerk to sign the partial release of mortgage for Stoneleigh PD.**

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

**MOTION APPROVED**

**E. Fireworks Ordinance**

Mr. Quinn explained that the Fire Chief brought this item forth. He explained that the new language states "Consumer fireworks shall not be ignited, discharged or used between the hours of 1:00 a.m. to 8:00 a.m. on New Year's Day only. For all other national holidays and days surrounding national holiday's consumer fireworks

shall not be ignited, discharged or used between the hours of 12:00 a.m. to 8:00 a.m." He explained that there is a \$500 fee for the infraction.

**Motion by Hicks, support by Cash**  
**To adopt an Ordinance to amend the Charter Township of Lyon Code of Ordinances, Chapter 26, regarding Fireworks.**

**Chriss Roberts** – He suggested moving the limitations closer to the weekend closest to the holiday to accommodate celebrations that would be held on the weekends if the holiday fell on a weekday.

**Shirley Baker** - She commented on the time periods.

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

**MOTION APPROVED**

**F. Purchase Agreement for Hutto Project**

Supervisor Young reviewed the draft purchase agreement for the Hutto property and reviewed the proposed deal.

**Motion by Cash, second by Hicks**  
**To allow Patricia Carcone and Lannie Young to sign the Blue Acquisitions LLC, Canzano Contracting Corporation, and JDM Building LLC Purchase Agreement within the framework provided.**

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

**MOTION APPROVED**

**G. Contract for Assessing Services with Charter Twp. of Lyon**

Supervisor Young explained this is a 3 year contract and the per parcel rate stays the same.

**Motion by Carcone, second by Adams  
To renew the contract for assessing services with Oakland County 2013-2016 as stated in the letter of the contract with Oakland County.**

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

**MOTION APPROVED**

**I. Sidewalk and Bike Path Development Discussion**

**Motion by Fletcher, second by Carcone  
Motion to table the Sidewalk and Bike Path Development discussion until the July meeting.**

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

**MOTION APPROVED**

**J. Building Department/Site Plan Reviewer**

Supervisor Young explained the need for hiring a full time Site Plan Reviewer. His recommendation is to hire Mark Spencer for the position given his broad experience. Salary concerns were discussed at length. Concerns regarding the best candidate for the position were also discussed.

**Motion by Fletcher, second by Cash  
To offer a full time position to Mark Spencer at a yearly salary of \$45,760.00, which includes benefits to do the duties, outlined in the Supervisor's memo. It is at the Boards discretion to terminate the position at the 6-month review if it is determined after review that the position is not working out.**

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

**MOTION APPROVED**

**K. Water Main Extension Discussion**

Supervisor Young reviewed the historical forecast, which showed the use increasing. The consensus of the Board is to move forward with the water main extension.

**L. 1<sup>st</sup> Reading Utility Ordinance**

Ms. Zawada explained that this item has been submitted to DEQ but it has not been approved yet. She would hold off on a 2<sup>nd</sup> reading until the DEQ's response has been received. In addition, there is a resolution adopting the Industrial Pretreatment Program. She has received feedback on everything except the local limits and the ordinance but those are still in review. There is a permit for industrial users and program users. This will allow the Township more enforcement ability with an industrial user.

Clerk Cash questioned what would be monitored for Henrob. Ms. Zawada stated zinc levels would be monitored.

**Motion by Carcone, second by Hicks  
To approve 1<sup>st</sup> reading of the mended Utility Ordinance to include Industrial  
Pre-Treatment Program as presented.**

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

**MOTION APPROVED**

**M. Resolution Adopting Industrial Pre-Treatment Program (IPP)**

Mr. Quinn read the change to the 2<sup>nd</sup> page as follows "Whereas to comply with the applicable State and Federal Laws and regulations the Charter Township of Lyon Board of Trustees will consider adopting an amended Sewer Ordinance on at it's meeting on July 1 if the MDEQ has provided comments of the first reading of the ordinance prior to that date"

**Motion by Carcone, second by Hicks  
To approve the resolution adopting the Industrial Pre-Treatment Program  
(IPP) with the change from Mr. Quinn.**

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

**MOTION APPROVED**

**ADJOURNMENT**

**Motion by Carcone, second by Cash  
Motion to adjourn the regular meeting and move into Executive Session at  
11:28 p.m.**

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

**MOTION APPROVED**

The Board of Trustees meeting was adjourned at 11:28 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

*Michele Cash*

Kellie Angelosanto  
Recording Secretary

Michele Cash  
Clerk