

Charter Township of Lyon  
Board of Trustees  
Regular Meeting Minutes  
July 1, 2013

Approved: August 5, 2013

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

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

Guests: 19

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 THE CONSENT AGENDA**

Approval of Regular Meeting Minutes of June 3, 2013  
Approval of Disbursements  
Building Department Report for May 2013  
Fire Department Reports for May 2013  
Zoning Reports for June 2013  
Engineering Reports for June 2013  
Oakland County Sheriff's Office Tri-annual Report  
Acceptance of Bill of Sale for Water Line from Trident-Lyon, LLC for the property at  
52900 West Grand River Ave., New Hudson, MI 48165  
Acceptance of Grant of Permanent Water Main Easement for parcel #21-12-101-022  
from Trident-Lyon, LLC  
Acceptance of Sanitary Sewer Easement & Water System Easement from S.E. MI Land  
Holding LLC for Saddle Creek  
Acceptance of Bill of Sale for Water Lines and Bill of Sale for Sewer Lines from S.E. MI  
Land Holding LLC for Saddle Creek

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

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

**MOTION APPROVED**

**ANNOUNCEMENTS & COMMUNICATIONS**

**John Bell** – He gave an update regarding the plans for the upcoming Lyon Township Carnival that will be held July 18-21, 2013. He also presented the Township’s newsletter and asked for ideas on how to make it more available to residents that don’t have access to computers.

**CALL TO THE PUBLIC**

**David DeBoer, 27521 South Hill Road** - He explained that the Township’s sewer system vents into his front yard. He has lived there for over 8 years. He met with the township 3 years ago to discuss it and thought it would get addressed. He asked that the Township do the right thing and fix the issue. Supervisor Young explained that a charcoal filtration system was installed and he thought that had solved the issue, he explained this is the first time he has heard that this issue has resurfaced. Supervisor Young explained that they would investigate it and to give them a chance to fix the problem.

**REPORTS**

**DDA** – Ms. Aniol explained that the DDA does not have a meeting this week due to a light agenda. She reported on the One Stop Ready Academy and explained that they will rotate attendance in the future.

**Fire** – Chief McClain reported on a person that suffered cardiac arrest at Tanglewood Golf Course recently. He also reported that 23 applications have been received for his replacement and the interview process would begin soon.

**Sheriff** – None

**Planning Commission** – Trustee Dolan reported that an addition for Crossroads Church was approved, as was the addition of two more buildings for Best Storage.

**ZBA** – Trustee Hicks explained that a variance was granted for a depth to width ratio, which made the parcel landlocked.

**Park & Advisory Board** - Trustee Fletcher reported that a new candidate was found and will be addressed later in the agenda. Due to the weather, baseball has been delayed on the improved fields but the project went well and was under budget.

## **APPROVAL OF AGENDA**

The following was added to the agenda:

M. Nomination for the Park Advisory Board

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

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

## **MOTION APPROVED**

**UNFINISHED BUSINESS** - None

## **NEW BUSINESS**

### **A. Proposed Zoning Regulations to Permit Solar Energy Facilities**

Mr. Doozan reviewed the McKenna Associates memo dated June 13, 2013. Consistent with the Planning Commission's recommendation the recommendation is that the Township Board approves the regulations to permit solar energy facilities in Lyon Township.

Trustee Hicks asked that a note be added under windmills that storm water cannot be pumped under windmills. There was brief discussion regarding the appearance of such facilities.

**Motion by Hicks, second by Dolan  
To adopt the first reading of the proposed revisions to the Lyon Township  
Zoning Ordinance to permit Solar Energy Projects as outlined in the  
McKenna Associates memo dated 6/13/13 with the addition under  
Windmills that storm water cannot be pumped under windmills,**

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

## **MOTION APPROVED**

## **B. Saddle Creek Planned Development AP-13-14 Amendment**

Mr. Doozan reviewed the McKenna Associates memo dated 6/18/13 with the recommendation to approve the amendments to the Saddle Creek Planned Development, consisting of the Second Amendment to Planned Development Agreement, the Preliminary and Final Planned Development Plan, and the Revised Landscape and Monument Wall Signage Plan, subject to the corrections noted in the McKenna Associates memo and the revisions outlined in the letter from CES dated 6/24/13.

Ms. Zawada reviewed the CES memo dated 6/24/13. She explained that CES recommends approval and the Road Commission of Oakland County has approved the street names in the PD.

Mr. Windingland with Lombardo Homes explained that since the 6/10/13 Planning Commission meeting several resident concerns have been addressed. The large material stockpile has been flattened and it has been stressed to all contractors to park in Phase 2 when working in Phase 2 and all flat work has been completed. Mr. Roebuck confirmed that 42 homes sites in Phase 3 have not been split into condo units.

**Motion by Cash, second by Carcone  
To approve Saddle Creek 2<sup>nd</sup> Amendment to the Planned Development Agreement dated July 1, 2013.**

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

### **MOTION APPROVED**

## **C. Saddle Creek PD, Phase 3, AP-13-15 Site Condo Review**

Mr. Doozan reviewed the McKenna Associates memo dated 6/18/13 and recommended that the Township Board approve the Second Amendment to Master Deed of Saddle Creek including replat no. 2 of the condominium subdivision plan (Exhibit B).

Ms. Zawada referenced the CES memo dated 6/24/13, which lists items that need to be added to the Exhibit B.

**Motion by Cash, second by Carcone  
To approve 2<sup>nd</sup> amendment to the Master Deed for Saddle Creek referencing the CES memo dated 6/24/13 and the McKenna Associates memo dated 6/18/13.**

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

**MOTION APPROVED**

Mr. Windingland commented on how great the staff at the Township has been to work with.

**D. Cambrian of Lyon AP-13-16b – Special Land Use**

Representing Cambrian of Lyon: Nick Canzano  
Gareth Zebely

Mr. Doozan reviewed the McKenna Associates memo dated 6/18/13 and explained that the Cambrian of Lyon proposal is in compliance with the special land use criteria and therefore, consistent with the Planning Commission's recommendation to recommend that the Township Board approve the special land use.

Mr. Zebely gave a brief account of the building and premises.

**Motion by Hicks, second by Adams**

**To approve the special land use for Cambrian of Lyon referencing the McKenna Associates memo dated 6/18/13.**

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

**MOTION APPROVED**

**E. Enclaves of Lyon Planned Development AP-13-02 – Final Review**

**Motion by Cash, second by Carcone**

**To table Enclaves of Lyon Planned Development AP-13-02 – Final Review.**

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

**MOTION APPROVED**

## **F. Foriz Farms Planned Development AP-13-05, Conceptual Review**

Mr. Doozan reviewed the McKenna Associates memo dated 6/20/13. He explained that the Township Board at Conceptual Review should take no action. There are significant issues that have been identified and the applicant needs input before moving on to the preliminary plan review stage.

Ms. Zawada explained that there is two main issues that need to be addressed prior to the submittal of the preliminary PD, which includes a large flood control basin that's proposed as part of the project to be dedicated to OCWRC, some specifics of that design and agreement needs to be addressed. Also, there is a major wetland crossing which will essentially be a floating road, which needs feedback from the Road Commission.

Mr. Wayne Perry, Desine Engineering gave an overview of the project. He explained that all of the lots down by Ten Mile Road will be the larger lots and similar in size/width to the adjoining development to the East. He stated that they found a way to accommodate the 75' setback on Ten Mile. He explained the need for the floating road, which is approximately 500'. The Road Commission has the plans for the road and feedback will be given. He explained that the peat in that area is 20'-30' in depth. Also, the west access point will allow access to the sewer.

Ms. Zawada explained that the Planning Commission wanted to see a pathway along the frontage. Mr. Perry explained that they are not proposing to put a pathway across the wetland area, which totals about 1300' of wetland. A pathway would have to be on pilings and an elevated boardwalk, which is not only costly to build but costly to maintain, as well. The pathway would also be 3-4' above grade to accommodate the flood plain which would also obscure the view of everything north. The consensus of the Board is for the applicant to contribute to the sidewalk/bike path fund with the cost to be determined.

Trustee Adams questioned if a traffic study has been done recently and felt that another should be conducted given all of the projects that will be entering onto Ten Mile. He stated that he is concerned with the density of this project.

## **G. Sidewalk and Bike Path Development Discussion**

Mr. Doozan reviewed the McKenna Associates memo dated 5/28/13. After discussion the Board decided to obtain prices on constructing a segment of sidewalk on the east side of Pontiac Trail, south of Lillian Street and repairing the existing trail in the James F. Atchison Memorial Park. Safe Routes to School was also discussed and the school district will be contacted to see if a commitment can be obtained.

## **H. Resolution of intent to Issue Limited Tax General Obligation Bonds**

The email from Paul Wyzgoski was reviewed dated 6/18/13 which explained the resolution directing the publication of a notice of intent to issue bonds for the 8 Mile Road Water Project.

### **Motion by Carcone, second by Cash**

**To approve resolution of intent to issue limited tax general obligation bonds Resolution 2013-13 as presented in the resolution as prepared by Paul Wyzgoski.**

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

### **MOTION APPROVED**

## **I. Eight Mile/Pontiac Trail Water Main Extension Proposal for Engineering Services**

Mr. Mayer from Giffels/Webster reviewed the memo dated 6/19/13. The proposal is for engineering design, soil borings, topographic survey, bid package preparation and permitting services for the 8 Mile/Pontiac Trail Water Main Easement.

### **Motion by Carcone, second by Cash**

**To approve the proposed Eight Mile/Pontiac Trail Water Main Extension Proposal for Engineering Services in an amount not to exceed \$162,579.00 beginning after the 45 day referendum. Including the Giffels/Webster memo dated 6/19/13.**

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

### **MOTION APPROVED**

## **J. Engineering Proposal for Lyon Township Waste Water Treatment Plant Expansion**

Mr. Crandall from Giffels/Webster gave an update on the status of the wastewater treatment plant. He explained the District Compliance Agreement. He explained that it is their opinion that the most cost effective alternative to meet the timeline in the District Compliance Agreement is to expand the plant with 1 SBR to gain an additional 0.5

MGD of capacity. Mr. Crandall stated that it can be expanded for SBR's and their recommendation is to try and convert to oxidation ditch on the next expansion. Initially it

would be used for treatment and then will be used for sludge storage and equalization. No action was taken.

**K. Supervisor's DDA Appointment**

**Motion by Young, second by Carcone  
To nominate Robert Heidrich to fill Tim Minor's remaining term.**

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

**MOTION APPROVED**

**L. Resolution Approving CDBG Funds**

Mr. Doozan reviewed the McKenna Associates memo dated 6/24/13. He explained that Lyon Township received 2 Minor Home Repair applications to replace roofs that have been leaking. But those applications will exceed the current balance. Given the recent demand for Minor Home Repairs and the significantly high balance in Youth Services funds, it was recommended that \$3,000 be reprogrammed from Youth Services to Minor Home Repairs.

**Motion by Carcone, second by Cash  
To set a public hearing for the August 5, 2013.**

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

**MOTION APPROVED**

**M. Park Advisory Board Nomination**

**Motion by Fletcher, second by Carcone  
To appoint Jason Bibby to fulfill the position vacated by Rebecca Wilder.**

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

**MOTION APPROVED**

**Chris Baranick, 52277 Ferndale Dr. he asked for the Township's assistance in dealing**

with Pinnacle. There are retention ponds in the development that are overflowing. There are significant deficiencies when the water is overflowing into resident's homes. There is stagnant water and he questioned how the engineering or building department has approved this when there is no circulation of water, he felt it is a health and safety issue.

**Naji Toubassi, 52224 Ferndale Dr.** he explained that the land was not pitched correctly and now he has to put in drains in at his cost since his land is now flooding.

## **ADJOURNMENT**

**Motion by Carcone, second by Cash  
To adjourn the Regular Meeting of the Board of Trustees at 9:15 p.m.**

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

## **MOTION APPROVED**

The Board of Trustees meeting was adjourned at 9:15 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary

*Michele Cash*

Michele Cash  
Lyon Township Clerk