

Charter Township of Lyon  
Board of Trustees  
Regular Meeting Minutes  
October 7, 2013

Approved: November 4, 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: 18

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 September 3, 2013

Approval of Disbursements

Building Department Report for August 2013

Engineering Report October 2013

Fire Department Reports for August 2013

Zoning Reports for September 2013

Oakland County Sheriff Report January – August 2013

Acceptance of Bill of Sale for Water Line and Bill of Sale for Sewer Line from Hunter  
Pasteur Homes Stoneleigh, LLC.

Approval to Township Attorney to complete Affidavit to Correct Scrivener's Error re:  
Elkow Farms Planned Development and have the document recorded.

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

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

**MOTION APPROVED**

## **ANNOUNCEMENTS AND COMMUNICATIONS**

Clerk Cash announced that there is a school election to be held on November 5, 2013 for a Millage renewal for non-homestead properties for South Lyon Community Schools.

Trustee Hicks shared that today is the 100<sup>th</sup> anniversary of Henry Ford starting the Assembly Line and he shared that 97 years ago Georgia Tech defeated Cumberland University by a score of 222 to 0.

**CALL TO THE PUBLIC** - None

## **REPORTS**

**DDA** - Ms. Aniol reported that the tote bag was provided to the Board members from Oakland County Business Works Project. She encouraged everyone to review the report, which identified what the skills gap means to advanced manufacturing. She reported that the DDA has a new design committee chair. The DDA will be reviewing their 2014 budget tomorrow. The One Stop Ready meeting will be held on October 23 regarding Management Structure. Ms. Aniol reported that the Wayfinding signs are completely done and that the walking audit was a success with 30 attendees. The DDA will consider a proposal for a Storm water Management Plan and the welcome to Lyon Business Appreciation Certificate will welcome two new business's to Lyon Township for Cook Automotive and Hillier's.

**Fire Chief** – Chief Van Sparrentak explained the Liberty Chevrolet promotion where the proceeds from that promotion will be donated to the Fire Department. A Chili Cook Off will be incorporated in the promotion as well. October 26 will be the annual Halloween Party with more information to come. He congratulated Don Collick for his success in writing a grant that provided 100 smoke detectors to the department. Deputy Chief Doug Barry is on board and doing well.

**Sheriff** – Sheriff Venus reported that the boys who found the money would not be allowed to keep it until 6 months have passed.

**Planning Commission** – Trustee Dolan explained that everything would be covered on this agenda tonight. Ms. Aniol reported that the Form Based Code Public Hearing would be held at next Monday's Planning Commission meeting.

**ZBA** – Trustee Hicks reported that there were 2 cases and both were tabled. One is returning this month and the other applicant withdrew their application.

**Park Advisory Board** – Trustee Fletcher reported that preliminary budget work is starting and reported that the bike marathon was well attended with 4 more events to come next year.

## **APPROVAL OF AGENDA**

The following items were added to the agenda:  
Under New Business

K. (a) Ten Mile Traffic Committee

K. (b) Quadrants property

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

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

## **MOTION APPROVED**

## **UNFINISHED BUSINESS**

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

Representing DTE: Mike Palchesko, DTE  
                              Jeff Eckhout, Nova Consultants  
                              Ray Zoya, Marketing Program Manager

Mr. Doozan reviewed the McKenna Associates memo date 9/20/13. The principal revisions include the following:

1.     The addition of a definition for “racking”.
2.     Requirements that residential grade roof-mounted and ground-mounted facilities are located to the rear of the dwelling.
3.     A requirement that racking be screened from view using landscaping for both residential and utility grade systems.
4.     A reduction in the maximum size of residential grade systems to 10kw. This reduction will result in smaller systems than would have been allowed.

Mr. Zoya gave a brief power point presentation explaining that by law 10% of their energy has to be from renewable energy sources. They are required by law to install these for 20 years; at the end of 20 years it is designed to be able to restore the site back to the original way it was found. He explained that where the topography drops off the height would be 15’ but most will be 9-11’ in height. He also explained that all of the electrical equipment would now be hidden by the array. An educational kiosk will also be donated to South Lyon East High School.

Mr. Quinn stated if there is a proposal the amendment would be to Section 2Aii reducing the height from 25' to 15' in addition to the changes already presented.

Mr. Eckhout explained that the landscape rendering does not show what will be planted and that the racking will be screened.

Concerns were voiced regarding the appearance of such a large area of the arrays.

**Motion by Hicks, second by Cash**

**To adopt the 2<sup>nd</sup> reading of the Proposed Zoning Regulations to Permit Solar Energy Facilities with the change in Section 2Aii that the height of the solar energy system is changed from 25' to 15' and the items listed in the McKenna Associates memo dated 9/20/13.**

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

**MOTION APPROVED**

**B. Woodwind Zoning Map Amendment 157-13**

Mr. Quinn explained the amendment. Treasurer Carcone explained that the parcel ID number is incorrect on Part III (B).

**Motion by Carcone, second by Cash**

**To approve the Zoning Map Amendment No. 157-13 with the parcel # changed under Part III (B) to 21-22-300-057.**

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

**MOTION APPROVED**

**C. Fourth amendment to the Woodwind Planned Development Ordinance**

**Motion by Carcone, second by Cash**

**To approve the 4<sup>th</sup> amendment to the Woodwind Planned Development Ordinance and authorize the Supervisor and Clerk to sign it.**

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

**MOTION APPROVED**

## **NEW BUSINESS**

- A. Consider proposed Zoning Ordinance Amendments; AP-12-02, Ordinance Sections: 3.02 Definitions, Building, 7.08 PD Revision to Approved Plans, 12.04 subsections A.2 Foundation and Section 33.03 subsection B.10 Outside Storage solely industrial district.**

Mr. Doozan reviewed the McKenna Associates memo dated 8/23/13.

Trustee Hicks questioned if a foundation is required for a shed less than 100' since a shed under 100' does not have to be placed on a permanent foundation now. This question will be investigated and brought back.

### **Motion by Carcone, second by Hicks**

**To approve the 1<sup>st</sup> reading of the Miscellaneous Zoning Revisions as stated in the McKenna Associates memo dated 8/23/13.**

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

## **MOTION APPROVED**

- B. Riverwood Estates (formerly Foriz Farms) Preliminary Planned Development Review; AP-13-05**

**Representing Riverwood Estates: Wayne Perry, Desine Engineering**

Mr. Doozan reviewed the McKenna Associates memo dated October 2, 2013 with the following recommendation:

The revised plans dated September 25, 2013 address many of the concerns raised in the McKenna Associates letter dated August 5, 2013 and at the Planning Commission meeting on August 12, 2013. Consistent with the Planning Commission's recommendation, it is recommended to approve the preliminary planned development plan for Riverwood Estes, subject to the conditions recommended by the Planning Commission, and that the following items are addressed prior to Final Review.

1. The status of the proposed private roads must be determined. The applicant must construct the roads according to the standards of the RCOC or obtain a variance from the Zoning Board of Appeals to construct private roads in a Planned Development.
2. The required bicycle path between the two entrances must be shown. If a path is not proposed between the entrances, the Planning Commission may allow the developer to deposit into the Lyon Township Bicycle Path and Sidewalk Development Fund an amount equal to the cost of the bicycle path construction, with the cost being determined by the Township Engineer.

3. A complete landscaping plan must be prepared in accordance with the Zoning Ordinance and the Plan for the Ten Mile Corridor in the Master Plan. The landscape plan must be prepared by a landscape architect.
4. Typical layouts and façade design for each type of building in all phases are required, including floor plans.

There was discussion regarding private vs. public roads.

Mr. Perry explained that they are working with Robert McDowell a leading expert in geotechnical technology regarding the “floating” road. He explained that the road will be lightweight and he anticipates the final report from Mr. McDowell next week. Mr. Perry suggested utilizing a maintenance fund in the Homeowners Association to provide for maintenance of the road.

Mr. Perry explained his calculations for the sidewalk and explained that it is 1902’ of sidewalk between the two entrances and it would cost approximately \$70,000 without the crossover of the drain, which could cost another \$50,000 or \$100,000 if a bridge is needed. Mr. Perry explained that all interconnecting areas inside the development have a sidewalk on both sides of the street except in 3 locations where there is only one sidewalk.

Ms. Zawada explained that if the Board were considering a pathway contribution she would need to review the calculations with Mr. Perry.

Mr. Perry explained that there is a conservation easement on the east border side and on the north property line.

Trustee Dolan questioned the concern that the residents had with flooding. Mr. Perry stated that the Engineer is doing her job by requiring detention that meets the requirements. They will detain all water on site. He explained that the water is so low there will be no impact and whatever is there now will be reduced. He explained that currently there is not a formal plan for screening the north property but it can be done.

Mr. Quinn questioned who owns the exempted parcel in the middle and questioned why it was not included in the PD. Mr. Perry stated it is being proposed as a floodplain and they still think that Oakland County Drain Commission will want that property as regional retention even though they have turned it down as of now.

Ms. Zawada reviewed that she has concerns with some of the parcels being located in the floodplain. Mr. Perry explained that the lots could be filled out of the floodplain. Mr. Quinn stated to make sure that the road that goes back to the plant could handle heavy trailers. Mr. Perry agreed.

**Motion by Carcone, second by Hicks**

**To approve AP-13-05 Riverwood Estates PD Preliminary Review subject to the conditions recommended by the Planning Commission and subject to conditions number 4 and 5 in the October 2, 2013 McKenna Associates**

memo. Including the revision that the roads may be private roads subject to Engineer Approval. The applicant can submit an amount equal to the cost of construction a for bike path between two entrances subject to the Township Engineers review of the cost and subject to providing an adequate buffer around the perimeter and subject to the CES memo dated 10/7/13.

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

**MOTION APPROVED**

**C. Proposed Revisions to Zoning Ordinance Dealing with Parks and Recreation: AP-13-25.**

Mr. Doozan reviewed the McKenna Associates memo dated 9/16/13 and explained that the proposed revisions would accomplish the following three purposes:

1. Allow a variety of parks and recreation facilities in the B-3 zoned portion of the park.
2. Provide for a greater range of recreation activities in the R-1.0 zoned portion of the park, consistent with the current uses. This is accomplished principally by making revisions to the definitions of "Park" and "Recreation Activities".
3. Address issues in Section 19.02.Z, which deal with Recreation Facilities, where the existing provisions are at variance with the current use of the park.

**Motion by Cash, second by Carcone**

**To adopt the 1<sup>st</sup> Reading of the Proposed Revisions to Zoning Ordinance Dealing with Parks and Recreation AP-13-25 as presented.**

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

**MOTION APPROVED**

**D. Proposed Revisions to Zoning Ordinance Dealing with Wireless Facilities; AP-13-26**

Mr. Doozan reviewed the McKenna Associations memo dated 9/12/13. He explained that the new legislation created three classes of improvements to wireless facilities, as follows:

1. Co-location where there is minimal increase in tower height (less than 20 feet) and area (less than 2,500 sq. ft.) of the ground level facilities. Zoning approval is not required for these improvements.

2. Co-location where the tower will be increased by more than 20 feet in height or the area of the ground level facilities will increase by more than 2,500 sq. ft. Special land use approval is required for these improvements, but the review process must be completed within 60 days.
3. Construction of a new tower. Special land use approval is required for this improvement, and the review process must be completed within 90 days.

**Motion by Cash, second by Hicks**

**To revise the Zoning Ordinance dealing with Wireless Facilities, AP-13-26 including the information provided in the McKenna Associates memo dated 9/12/13**

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

**MOTION APPROVED**

**E.     Consider Revisions to Permit Small Wind Energy Systems in Residential; AP-13-03**

Mr. Doozan reviewed the McKenna Associates memo dated 9/16/13. The proposed regulations would permit roof-mounted systems by right in the R-0.5 and R-1.0 districts, since such facilities will be relatively low. Tower-mounted systems would be permitted by special land use in the R-05 and R-1.0 districts because they can be up to 30 meters (98.435 feet) in height, depending on the size of the parcel.

Trustee Fletcher felt the height should be restricted to 20 meters and not tied to the size of the parcel.

**Motion by Fletcher, second by Cash**

**To adopt the 1<sup>st</sup> Reading of the Revisions to Permit Small Wind Energy Systems in Residential AP-13-03 as outlined in the 9/16/13 McKenna Associates memo with the exception to change Section 3-2 to limit the maximum height to 20 meters.**

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

**MOTION APPROVED**

**F.     Consider Resolution Adopting Weeds and Tall Grass Enforcement Policy**

Mr. Quinn stated that the document is in a form ready for approval.

**Motion by Cash, second by Carcone  
To approve the Resolution Adopting Weeds and Tall Grass Enforcement Policy.**

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

**MOTION APPROVED**

**G. Resolution Establishing Tentative Special Assessment Roll for General Purposes**

Mr. Quinn stated that the document is in a form ready for approval.

**Motion by Hicks, second by Adams  
To adopt the Resolution Establishing Tentative Special Assessment Roll for General Purposes including the list provided.**

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

**MOTION APPROVED**

**H. Consideration of Agreement Regarding Repairs to Lyon Industrial Research Centre Retention Pond**

Ms. Aniol gave a brief history of the pond and explained that it has a history of failure since 2000. The DDA has agreed to fund a feasibility study for possible solutions to the problem. The engineering and design and ultimately the construction will fall to the residents of the subdivision.

There was discussion regarding the cause of the failure and where the responsibility lies since the pond basically started failing immediately. Mr. Mayer explained the proposed solution and felt the proposal would permanently fix the issue.

**Motion by Carcone, second by Cash  
To let the Township enter into an agreement regarding repairs to the Lyon Industrial Research Center Retention Pond as submitted by the Township Attorney and allow the Supervisor to sign all documents as necessary.**

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

**MOTION APPROVED**

**I. Resolution to Recognize Senior all Night Event as a Nonprofit Organization in the Community**

Ms. Talaga explained the organization name needs to be changed from South Lyon East High School All Night Senior Event to Senior All Night Event. The South Lyon School Board has requested that they not include South Lyon East High School on the application on the 501(c)(3) form.

**Motion by Cash, second by Hicks**

**To approve the local governing body resolution for charitable gaming licenses to recognize as a non-profit organization.**

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

**MOTION APPROVED**

**J. Agreement for the Transfer of Private Water Main to the Charter Township of Lyon**

Ms. Zawada explained that this agreement allows the takeover of the water supply and will make it public.

**Motion by Cash, second by Hicks**

**To enter into an agreement for the transfer of private water main to the Charter Township of Lyon from Ashley Lyon, LLC in the agreement provided by Matthew Quinn.**

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

**MOTION APPROVED**

**K. Budget Discussion**

Supervisor Young explained that he is anticipating an increase in health care. He suggested holding a workshop meeting the 3<sup>rd</sup> week in October and the Board agreed. He will get back to them with a final date.

**(a) Ten Mile Road Committee**

Trustee Adams suggested forming a committee to address the growing traffic problem on Ten Mile. The purpose of the committee will be to come up with short term and long-term proposals to address the issue. Trustee Hicks and Ms. Zawada will serve on the committee. Supervisor Young will also participate as time allows.

**(b) Sale of Quadrants Property**

Supervisor Young reviewed the purchase agreement.

**Motion by Carcone, second by Hicks**

**To authorize the Supervisor to sign the agreement of sale to purchase after approval from the Township Attorney.**

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

**MOTION APPROVED**

**Recess to Closed Session – Discuss Purchase of Real Estate**

**Motion by Carcone, second by Cash**

**To recess the Regular Session at 10:08 p.m. and go into Closed Session**

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

**MOTION APPROVED**

**Motion by Hicks, second by Carcone**

**To reconvene into Open Session at 10:27 p.m.**

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

**MOTION APPROVED**

**L. Resolution Approving Purchase of Foreclosed Parcels for Land Sale from Oakland County**

**Motion by Cash, second by Dolan**

**To approve the resolution which is approving purchase of foreclosed parcels for land sale from Oakland County Treasurer in the form provided by the Township Attorney and change the parcel number to 21-22-300-057 and 21-33-351-003 on the resolution form and approve the purchase of foreclosed parcels in the amounts stated by the Township Treasurer.**

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

**MOTION APPROVED**

**M. Resolution to withdraw REUs from the Hutto Parcel**

Mr. Quinn explained this resolution would remove 45 REUs from the Hutto Parcel.

**Motion by Cash, second by Carcone  
To approve the removal of 45 REUs from the Hutto Parcel.**

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

**MOTION APPROVED**

**Motion by Cash, second by Carcone  
To add the agreement of sale and purchase as item 10 N to the agenda.**

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

**MOTION APPROVED**

**N. Agreement of Sale and Purchase of Property**

**Motion by Cash, second by Fletcher  
To approve the agreement of sale and purchase and authorize the  
Supervisor to sign it and subject to Township Attorney approval.**

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

**MOTION APPROVED**

**ADJOURNMENT**

**Motion by Carcone, second by Cash  
To adjourn the meeting at 10:32 p.m.**

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

**MOTION APPROVED**

The Board of Trustees meeting was adjourned at 10:32 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary

*Michele Cash*

Michele Cash  
Lyon Township Clerk