

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
November 4, 2013

Approved: **December 2, 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
Jennifer Gotti, Township Attorney
Leslie Zawada, Civil Engineering Solutions, Inc.

Trustee Fletcher announced his resignation effective immediately. The Board thanked Trustee Fletcher for his service to the Township and wished him well in his future endeavors.

APPROVAL OF CONSENT AGENDA

Approval of Regular Meeting Minutes of October 7, 2013
Approval of Disbursements
Building Department Report for September 2013
Engineering Report November 2013
Fire Department Reports for September 2013
Zoning Reports for October 2013

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

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Trustee Hicks announced that 33 years ago Ronald Reagan was elected President. Clerk Cash reminded residents to come out and vote tomorrow.

CALL TO THE PUBLIC

Residents of Carriage Club expressed their concern regarding the commercial businesses abutting their property; they asked to be placed on next month's agenda. Supervisor Young brought the residents up to date and explained that the Township is aware of the issue and that the Township has to go through the legal process. He will place this issue on the agenda as an update for next month's meeting.

Shirley Baker – She asked that the new sidewalk at Ten Mile and Milford Road be investigated since there was ankle deep water there.

Michael Kramer – He asked that someone be appointed to fulfill Steven Fletcher's vacancy on the Community Center proposal since they are at a critical stage in their planning.

REPORTS

DDA - Ms. Aniol reported on a recent article that she found regarding the Walbridge Property and how the article placed Lyon Township in a very good light. She explained that the 2014 budget for the DDA would be presented at the next meeting. The sidewalk contract was awarded to Goretski Construction. The Planning Commission approved the Form Based Code unanimously and it will be ready for consideration in December. Permits have been applied for regarding the pond at the Lyon Industrial Research Center and it will get underway shortly. She thanked everyone who participated in the One Stop Ready Academies and she will have a presentation regarding those in the future.

Fire Chief – Deputy Chief Berry reported that there were 97 runs this month. He also stated that the annual Halloween Party was a success and Fire Inspector Collick is working on the smoke detector program.

Sheriff – None

Planning Commission – Trustee Dolan explained that everything would be covered on this agenda tonight. He also asked for an update regarding the sidewalks. Mr. Doozan explained that cost estimates were submitted and it will be on the Planning Commission's next agenda.

ZBA – Trustee Hicks explained that a variance was approved.

Park Advisory Board – None

APPROVAL OF AGENDA

The following items were added to the agenda:

- 8 a. Accept Trustee Steven Fletcher's Resignation
- 11 j. Representative for the South Lyon Community Center

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

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

MOTION APPROVED

- 8a. Consider Steven Fletcher's Resignation

**Motion by Carcone, second by Hicks
To accept Steven Fletcher's resignation effective immediately.**

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

UNFINISHED BUSINESS

- A. **Special Assessment Resolution confirming General Purpose Rolls 13-120 & 13-130**

Ms. Gotti explained the Resolution. Supervisor Young opened the Public Hearing at 7:27 pm and closed it due to no one wishing to comment.

**Motion by Carcone, second by Cash
To adopt the Special Assessment Resolution confirming General Purpose
Rolls 13-120 and 13-130 on the form provided.**

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

MOTION APPROVED

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

Mr. Doozan explained that a building permit is not required for any one-story detached residential structure if the floor area does not exceed 200 square feet. He also learned that a foundation is only required for buildings that require a building permit. Based on that information, he further revised Section 12.04; subsection A.3, which deals with Foundations. He also adjusted the definition of "building" principally by adding language that says that buildings have roofs supported by columns or walls.

**Motion by Cash, second by Carcone
To approve Ordinance #04-13 Ordinance to amend the Charter Township of Lyon Zoning Ordinance shall be known as Miscellaneous revisions to the Zoning Ordinance of 2013.**

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

MOTION APPROVED

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

Mr. Doozan explained that there have been no changes and it is ready for adoption.

**Motion by Cash, second by Carcone
To approve the 2nd reading of the Zoning Ordinance dealing with Parks and Recreation, Ordinance #05-13, referencing the McKenna Associates memo dated 9/16/13.**

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

MOTION APPROVED

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

Mr. Doozan explained that there have been no changes and it is now in compliance with State law.

**Motion by Cash, second by Carcone
To approve Ordinance #06-13 to amend Charter Township of Lyon
Zoning Ordinance Article 19 referred to as Wireless Communications
Facilities Ordinance.**

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

MOTION APPROVED

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

Mr. Doozan explained that the height was revised to 20 meters and is now ready for adoption.

**Motion by Cash, second by Adams
To approve Ordinance #07-13 to amend the Charter Township of Lyon
Zoning Ordinance Article 3 in reference to Wind Energy Systems.**

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

MOTION APPROVED

NEW BUSINESS

A. 10 Mile 18 Planned Development – Preliminary PD Review AP-13-10

Representing 10 Mile 18 Planned Development: Ryan Schultz

Mr. Doozan reviewed the McKenna Associates memo dated 10/29/13. The following 9 items are concerns that need to be addressed:

1. The benefits of the project to the community must be identified and documented.
2. The traffic impact study must be revised as note in item 3 on pages 3 and 4 of this letter.
3. Transportation –related concerns identified on page 4 of this letter must be resolved.
4. The Township Board must make a determination that the deviations from the Master Plan are justified and are in the public interest
5. The economic impact of the project must be addressed. A fiscal impact analysis is required.

6. The Township Board must make a determination that a 43% increase in residential density is justified, based on the benefits of the project.
7. Bike path revisions noted in item 3 on page 6 of this letter must be addressed.
8. Landscaping revisions noted in item 4 on page 6 of McKenna Associates memo must be addressed.
9. The following missing items must be provide: residential street name, exterior lighting specifications and sign information (if available).

Mr. Schultz explained that the gas station component has been removed from the concept plan and a straight commercial node has been added at the corner. They are proposing 20 lots on 15 acres, which is 6 lots over the permitted 14 lots. He explained that they could negotiate on the number of lots. He explained that they are looking for more concrete input before moving forward with the concept and addressing the remaining issues.

There was discussion regarding the gas station. Trustee Dolan explained that when the Planning Commission held the meetings regarding this issue everyone in the public was 100% against having a gas station including the Planning Commissioner's. Everyone's concern was with the Wellhead protection area located in that area. Trustee Adams expressed that he felt the Township was missing the boat in not putting a gas station in that location.

Concerns were raised with the remaining commercial on the opposite corner that has not been leased out. Mr. Schultz explained that there has been interest expressed in the commercial node. Treasurer Carcone felt that the residents in that area would want the convenience of the commercial in that location.

The Board had no issues with the daycare portion of the proposal and felt it was adequately buffered from the commercial use.

Mr. Schultz explained that the amenities are an exceptional amount of buffering and he felt the proposal would fit within the fabric of the community. He also stated that they meet the open space requirements. He stated that the sanitary sewer tips the scales to the different lot configurations and a large retention system will be done.

Treasurer Carcone felt that a 5% increase should be considered due to this property being one of the problem properties in the Township. The Board felt that 16 lots would be fair and the applicant can make the lots bigger across the property and the applicant agreed to do a conceptual plan with 16 lots.

Chriss Roberts – He stated that the commercial node at the corner is a huge bonus to the developer and he would like to see homes in the residential portion that are not less than \$300,000. He explained that if the homes were less than that amount he would like another public hearing held. He stated that he wanted to see a good product and a quality product.

Motion by Cash, second by Carcone

To table 10 Mile 18 Planned Development when the applicant can return with more plans.

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

MOTION APPROVED

B. Stoneleigh West Planned Development - Conceptual Review; AP-13-30

**Representing Stoneleigh West: Andy Milia, Franklin Properties
Randy Wertheimer, Hunter Pasteur Homes
David Goldberg
Duane Bennett**

Mr. Doozan reviewed the McKenna Associates memo dated 10/28/13.

Mr. Millia gave a brief power point presentation regarding Stoneleigh West. There does exist sanitary sewer so that dictates the design. There are also vast amounts of open space and the lots average over 15,000 sq. feet in size and the connectivity is also a bonus.

Mr. Wertheimer explained that the homes would range in size of 2500-4500 sq. feet. He explained that the average sale is in the low \$400,000 and there is a demand for ranches. He explained that the homes would have all brick and stone exteriors and use very high quality materials.

Trustee Adams complimented the applicant on the landscaping that has been completed so far. Treasurer Carcone commented that this was another problem property for the Township and she had no problem with this proposal.

C. Amendment to the Code of Ordinances Chapter 26 Offenses

Supervisor Young explained the change regarding the expansion of the definition of devices covered in this Section. The reason is so crossbows and bow and arrows will be included in the definition of a weapon.

Motion by Carcone, second by Hicks

To consider the 1st reading of the Amendment to the Code of Ordinances Chapter 26 Offenses.

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

MOTION APPROVED

D. Consideration of SAW Grant Resolution

Mr. Mayer reviewed the SAW Grant Resolution.

Motion by Cash, second by Carcone

To consider the Resolution in the amount of \$904,000 in grant funds authorizing SAW Grant.

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

MOTION APPROVED

E. Requesting Public Hearing for 2014 CDBG Funds

Mr. Doozan explained that money is allocated per year to service low to moderate-income people in the Township. Every year a public hearing is needed for the application for these funds.

Motion by Carcone, second by Cash

To set the public hearing for 12/2/13 for the 2014 CDBG Funds.

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

MOTION APPROVED

F. DTE Solar Array – Special Land Use; AP-13-19b

Mr. Doozan reviewed the McKenna Associates memo dated 10/31/13. At a special meeting on October 29, 2013, the Planning Commission unanimously approved a motion to recommend approval of the DTE Solar Currents Special Land Use to the Township Board, subject to the conditions in the McKenna Associates memo dated 10/22/13. Mr. Doozan continued that all of the conditions of the approval have been addressed except one that deals with landscape screening. He recommends approval of the special land use subject to completion of the landscape screening and subject to final approval by the Township Planner.

Motion by Hicks, second by Adams

To approve the Special Land Use subject to completion of the landscape screening and subject to final approval by the Township Planner.

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

MOTION APPROVED

G. Riverwood Estates Final Planned Development; AP-13-05

Supervisor Young handed out a letter from Bob Seccomb expressing his concerns about setting precedence.

Mr. Doozan reviewed the McKenna Associates memo dated 10/31/13. The Planning Commission was supportive of the proposed development. The Planning Commission unanimously approved a motion to recommend approval of Riverwood Estates Planned Development to the Township Board subject to the conditions in the McKenna Associates memo dated 10/25/13, the conditions cited in CES's 10/29/13 letter to the Planning Commission, provided that the Planned Development Agreement be revised to require cross access easements to allow connection to future roads to the north, provided that the developer provide an easement for a bike path and dedication of planned right of way along Ten Mile Road, and provided that a fence be constructed along the north property line. Mr. Doozan recommended approval subject to the conditions cited by the Planning Commission.

Mr. Doozan referred to a statement that Mr. Perry would like added to the Planned Development Agreement referring to a cautionary agreement for the roads. Mr. Quinn and Ms. Zawada did not agree with adding that statement.

Mr. Perry gave a brief account of Bob McDowell's work regarding the numerous wetland crossings he was a part of in Oakland County. Mr. Perry also referred to a project in Hartland Township that was done 18 years ago and has the same type of road with no failures.

Motion by Carcone, second by Dolan

To approve the first reading of the Final Planned Development AP-13-05 subject to final approval by the Township Planner, Attorney and Engineer review.

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

MOTION APPROVED

H. Board and Commission Appointments

Supervisor Young explained he would hold off on the Commission appointments till December.

**Motion by Young, second by Hicks
To reappoint Debra Sellis to a 3-year term on the ZBA expiring 11/30/16.**

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

MOTION APPROVED

**Motion by Young, second by Cash
To reappoint John Hicks to a 3-year term on the ZBA expiring 11/30/16**

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

MOTION APPROVED

**Motion by Young, second by Hicks
To reappoint Vince DeAngelis to a 3-year term on the DDA expiring on 11/30/16.**

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

MOTION APPROVED

I. Budget Discussion

Supervisor Young briefly reviewed the proposed budget along with the suggestion of a 5% increase for employees' and the approximate 15% increase in health insurance.

Trustee Dolan explained the need for the Planning Commission to begin holding 2 meetings per month and that the budget should reflect that additional cost. Supervisor Young agreed to budget for 18 meetings per year with the 2nd meeting of the month subject to cancellation. Trustee Dolan stated that the Planning Commission would coordinate with Mr. Doozan to determine a Planning Commission budget.

Ms. Aniol suggested increasing the line item for training to \$2,000.

A special meeting was scheduled for 11/19/13 at 9:00 a.m.

J. South Lyon Community Center Representative

Treasurer Carcone will represent Lyon Township in the interim until another volunteer can be found.

Supervisor Young explained that the Board would nominate another trustee to serve out Steven Fletcher's remaining term until the election in August 2014.

ADJOURNMENT

**Motion by Cash, second by Carcone
To adjourn the meeting at 9:37 p.m.**

Voice Vote:	Ayes:	Unanimous
	Nays:	None

MOTION APPROVED

The Board of Trustees meeting was adjourned at 9:37 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash

Michele Cash
Lyon Township Clerk