

Charter Township of Lyon  
Board of Trustees  
Regular Meeting Minutes  
March 3, 2014

Approved: APRIL 7, 2014

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  
John Hicks, Trustee  
Sean O'Neil, Trustee  
Lannie Young, Supervisor

Guests: 19

Also Present: Chris Doozan, McKenna Associates  
Jennifer Gatti, Township Attorney

**APPROVAL OF CONSENT AGENDA**

Approval of Regular Meeting Minutes of February 3, 2014  
Approval of Disbursements  
Building Department Report for January 2014  
Engineering Report March 2014  
Fire Department Reports for January 2014  
Zoning Reports for February 2014  
Acceptance of Grant of permanent water main easement and Grant of permanent Sewer Easement from Lyon Ridge Development 2 LLC  
Acceptance of Bill of Sale for Sewer Line and Bill of Sale for Water Line from Pinnacle – Kirkway, LLC for the Kirkway Estates Condominium  
Lyon Township Fire Department Plan Review Fee  
Kirkway Estates PD Minor Amendment – Roof Pitch AP-14-05

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

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

**MOTION APPROVED**

## **ANNOUNCEMENTS AND COMMUNICATIONS**

Treasurer Carcone reminded residents that Friday, February 28<sup>th</sup>, 2014 was the last day to pay taxes without penalty and if a resident has not paid their taxes then a revised statement will need to be obtained from the Treasurer's Department for the month of March.

Mr. David Trott who is running for Congress in the 11<sup>th</sup> District introduced himself to the Board. He stated that he would work hard to address the issues facing our country. He stated he would listen and ask what the people want him to work on.

Supervisor Young gave a Lyon Township Status Report. He reviewed the history regarding the downturn in the real estate market in 2010 and how that drop in land value impacted the Township. He touched on projects and accomplishments such as establishing the Wellhead Protection Plan, the installation of sewer main for Grand River between Milford Road and the east round-about, code and ordinance changes for New Hudson to promote revitalization of Grand River and obtaining a grant for \$300,000 to purchase a new fire truck to name a few.

Supervisor Young stated that in 2012 a Park Advisory Board helped to oversee and make recommendations for Park events and improvements. Supervisor Young also reported on the amount of volunteers that contribute hours and hours of their time for the Township and community to ensure that events like the Kite Festival or Winter Fest run smoothly.

Supervisor Young also touched on the highlights of 2013 which included improvements and paving of 8 Mile Road from Pontiac Trail west to Dixboro and a commitment for funding to improve and pave Griswold Road. The Township was also invited to be a part of a pilot program called One Stop Ready to provide experience and ways to improve efficiencies in dealing with the public. The Township also welcomed Henrob Corporation which will be a tremendous boost to the local economy. In 2013 the Township also welcomed new Fire Chief Ken Van Sparrentak and Deputy Fire Chief, Doug Berry. A history book of Lyon Township is being drafted for future publication.

Supervisor Young touched on road improvements and explained that the Township will continue to work with developers as they seek approvals for their project to contribute toward road construction and improvements in the Township.

Supervisor Young reported that the Township Board has approved initiation of a water main project. Also, design work on the expansion of the sewer plant is going on now.

Future projects will include an installation of de-ionization system at the South Hill well site, installing a settling tank at the Woodwind Well site, install piping to tie together the South Hill well piping and the Woodwind Well to create a complete loop system, engage SEMCOG to perform a study and simulation to determine where and when signalization can be installed on Ten Mile Road, install a regional storm water detention basin to drain storm water along Grand River in New Hudson and to collaborate with Green Oak Township to pursue a funding mechanism for paving Dixboro from 8 Mile to 10 Mile.

## **CALL TO THE PUBLIC**

**Maureen Quinn, 57246 Elk Run West** – Ms. Quinn explained that last month permission was granted to have the safety gate removed at Crystal Creek. She explained that the reason the gate was granted in the first place was due to the high volume of speeders that came down their private road. Trash would be left on the road and their lawns. She explained that dozens of people use the walking trail and those people are now in jeopardy due to the speeding cars. Construction is not over, there is at least 3 years of construction left. The gate was down really fast and it was dumped in a dumpster. The road is now a public thoroughfare and there are only 24 residents that maintain the road. They thought it was unfair that this was granted without the residents able to protest it. She felt that an electric gate would be a compromise.

**Dawn Capling, 26744 Elk Run East** – Ms. Capling agreed with Ms. Quinn's comments. She stated the gate was installed for the safety of the residents. She has almost been run over a couple of times already. The main complaint is that the homeowners wanted the gate removed for the safety for the kids at the bus stop because it wasn't plowed correctly. The removal of the gate was done in a hurry and it was done without taking all things into consideration. She questioned if the bus garage was asked to see about putting the bus stop at the front of the entrance where it's lit. There are a lot of promises that have been made that should have been done that have not been done. They are willing to work with the differences that are the reality of the community now. They had also spoken about a permanent berm with trees and now the safety is gone.

Supervisor Young stated that the PD was agreed upon to have two entrances and the gate was always meant to be temporary. Now there is one section of residents that want the gate and one that does not. The legality is that the gate can't be there. Unless there is a PD amendment it has to be the way it is.

Ms. Capling stated that there is some way somehow to work this out. She felt that the gate being temporary was never mentioned.

The Board agreed to add this item to the agenda to discuss further.

## **REPORTS**

**DDA** - None

**Fire Chief** – Deputy Chief Berry reported that on May 19 the Fire Department will be participating in a charity golf outing at Coyote Golf Course. The company inspections are coming along well. They assisted with a fire in South Lyon and one in Brighton. Currently they are working on an equipment inventory.

**Sheriff** – None

**Planning Commission** – Trustee O'Neil reported that the Parkside Village PD was tabled for further considerations. A Text Amendment was discussed for the mobile home park district.

**ZBA** – None

**Park Advisory Board** – Trustee Hicks reported that hometown bicycles cancelled their proposed events indefinitely. South Lyon Area Recreation Authority offered to post their events on their Facebook page. Jim Chuck is chairman of LEO, Lyon Events Organization. Scott Gerlach will remain as president and the Park Advisory Board has two open seats if anyone is interested. A tractor pull may be an upcoming event possibly during the Kite Festival. Seed money was approved for LEO. There was some discussion regarding a zombie run. They also approved an illustrated park master plan which will detail where everything will be placed.

### **APPROVAL OF AGENDA**

The following item were added to the agenda:

Switch items 10a and 10b

G. Crystal Creek Gate Discussion

H. Clark Property

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

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

### **MOTION APPROVED**

### **UNFINISHED BUSINESS** - None

### **NEW BUSINESS**

#### **A. Trustee Adams Request for Chubb Road Paving Discussion**

Trustee Adams referred to his memo addressing the Board of Trustees regarding the paving of Chubb Road. He explained that the residents of Tanglewood are disappointed in the Developers decision not to provide the new Greenbrier Development with paved access to Ten Mile Road. This means that new major development will have to enter on a dirt road (Chubb) or most likely enter and exit out of Country Club Drive causing more traffic congestion and safety concerns on an already too busy street.

Trustee Adams explained that with the addition of the new Greenbrier Development of 98 homes and the existing homes in Tanglewood a total of 475 homes will be making multiple trips in and out of the development on two paved roads.

Trustee Adams asked the Board members to assist in finding a solution to the Chubb

Road paving problem. He felt this should include reopening negotiations with the developer to reconsider the current offer and pave to the 1<sup>st</sup> entrance of the major development of Greenbrier. The Greenbrier developer has pledged \$350,000 for paving Chubb Road from Ten Mile to the entrance of the Greenbrier development.

**Motion by Adams, second by O'Neil for discussion  
To put any pledged monies for paving Chubb Road current or renegotiated  
and pave Chubb Road as far as we can to the entrance of Greenbrier sub.**

With the motion on the floor, Supervisor Young asked for comment.

**John Bell, 22670 Indianwood Drive** – Mr. Bell stated that he thought he has attended all of the Board and Planning Commission meetings pertaining to this issue. He cannot recall at any of these meetings when the \$350,000 was supposedly directed into a general road fund which could be used for any project throughout the Township. There are only two paved entrances into Tanglewood. The Spy Glass Hill would not be used by the Greenbrier residents so that puts all of that traffic onto Country Club Drive which is already a very busy road and the condition of that road is deteriorating rapidly. It is important to come up with another exit. He understood that the \$350,000 was negotiated and it's not enough to pave to that entrance but it is vitally important that the money is held in escrow so when there is more money the road can be paved. He stated that their Board is in favor of the escrow account so that the funds do not go into a general road fund.

Trustee Dolan stated at that time the entrance was moved farther north so that it could be paved to the entrance. He was under the impression that the money was going to be used for the paving of Chubb Road. He didn't know how outrageous it would be to ask that it be paved. Trustee O'Neil stated that his fear with setting the funds aside and waiting is that with every passing year the cost of the project will increase. If something is going to be done he suggests paving as much of it as they can now until the money is gone.

Mr. Mayer of Giffels Webster explained the formula that was used to come up with the estimate for the road paving. He stated that the total for paving from the Tanglewood Greenbrier entrance to Chubb including a signal would be \$750,000.

Trustee Adams stated that he would like to open up negotiations with the developer to see how much more could be contributed.

Supervisor Young stated that easements are another expense. Trustee Dolan stated that there were many residents from Chubb Road that would like to have it paved and questioned how hard it would be to obtain an easement.

Treasurer Carcone stated that she agreed with Mr. O'Neil. She stated that a promise was made to put \$350,000 towards the paving but she questioned where the rest of the money would come from. She stated that the money cannot be put in an ironclad account; the next Board coming in could take the funds out and move it around.

Treasurer Carcone stated that having a paved entrance would be a benefit to that community, and since this project was negotiated property prices have increased, and the development is on a prime piece of Ten Mile property. She questioned why the developer wouldn't want it paved?

Mr. Adams restated his motion as follows:

**Motion by Adams, second by O'Neil**

**To put any pledged monies for paving Chubb Road, currently \$350,000 or any renegotiated monies and pave Chubb Road as far as we can to the entrance of Tanglewood Greenbrier Planned Development.**

**Jim Hamilton, 24200 Martindale** – He questioned if the developer had to pave one side of the road? Mr. Doozan explained that Tanglewood was the first Planned Development in the Township and at that time Planned Development regulations didn't call for paving. Mr. Hamilton stated that paving should be put into the PD.

**Ray Bisio, 22563 Indianwood** – He stated that as far as Tanglewood, he was under the impression that they had to pave Currie Road up to a particular phase. Mr. Doozan stated that the agreement stated that within a certain period of time they would have to pave their portion of the amount of traffic that they generated. Mr. Bisio stated that the bypass lanes were not there, and he questioned how that was missed by the Township. He felt that Mr. Freund should be held accountable. Paving the entrance behooves the developer; it does not make any sense not to pave it.

Mr. Langan stated that it was important to recognize the deal as proposed is supposed to be in the final review phase and it's all grounded in the fact that there is a 20 year old PD agreement which requires zero dollars towards paving. They have negotiated a \$350,000 contribution towards paving. The door can swing both ways. As far as the traffic on Country Club Drive, the business itself generates more traffic. The deal is they are willing to contribute and that is the deal the Board should adhere to.

**Tim Rothermel, 22760 Indianwood** – Mr. Rothermel stated he is a 20 year resident of Tanglewood and he would like to address the Board in the fact that this is to be a premier community. He has spent 43.5 years in construction management and if they want to keep this a premier community the effort needs to be made and a reasonable negotiation needs to be made. He believed that they can make a very good impact to bring this thing closer to where it needs to be and negotiate with the developer and potential contractors. Letting the money sit and sit, is wrong.

**Roll Call Vote:      Ayes: Young, O'Neil, Adams, Dolan, Carcone, Cash  
                             Nays: Hicks**

**MOTION APPROVED**

## **B. Tanglewood Greenbrier Planned Development – Final Review**

Mr. Doozan reviewed the McKenna Associates memo dated February 26, 2014.

Mr. Doozan stated that consistent with the Planning Commission's recommendation, the recommendation is that the Township Board approves the first reading of the revised Tanglewood Greenbrier Planned Development proposal, subject to the following conditions:

1. Completion of the Planned Development Agreement prior to the second reading.
2. Execution and recording of the revised Planned Development Agreement upon approval by the Township Board.

Mr. Langan stated that he asked that the Board entertain approval and allow the consultants to tie up loose ends with them. It is proposed that Pulte will be building a model home on unit one; he stated it would be useful to include that in the agreement.

Trustee O'Neil questioned how long the model will be used? Bob Haslow, Pulte Homes, stated that their intention is to get an early start and perhaps add a plan or two. He assumed that they were part of the overall association and not an offsite model. Mr. Langan stated that it is not truly offsite; it is offsite of this phase but within the community.

Trustee Adams questioned what the plan is for the construction access. Mr. Langan stated the Chubb Road entrance will be used. Mr. Haslow stated that they have no problem committing to all side entry garages if that is the wish of the Board. Mr. Haslow confirmed that the model home will be compatible and landscaped. Mr. Doozan confirmed with Mr. Haslow that he wouldn't be opposed to a sunset date regarding the model home in the Planned Development Agreement.

Mr. Adams questioned if the developer would add the contribution for the Chubb Road paving or at least re-enter into negotiations. Mr. Langan stated that they would rather not since all of the terms were negotiated and they believe the present offering represents a well-made plan that benefits all and is a responsible contribution for public improvements. He explained he had no authority to say yes or no since the developer is not present.

Treasurer Carcone questioned if the Township had to allow a model home in the developed subdivision. Mr. Doozan stated that the Zoning Ordinance allows for models. Ms. Gatti stated that it is located in the community and the developer considers it an entire community. Treasurer Carcone stated that she doesn't feel comfortable not asking if the developer would contribute more to the Chubb Road paving.

Treasurer Carcone confirmed with Mr. Langan that the exterior materials will be placed in the Master Deed and Bylaws. Mr. Langan explained that the entire community is governed by one comprehensive Homeowners Association and as new phases are developed they stand alone for a while and then are incorporated into the Master

Homeowners Association.

**Motion by O'Neil, second by Carcone**

**To move the Tanglewood Greenbrier Planned Development final review to the 2<sup>nd</sup> reading subject to the conditions in the McKenna Associates memo dated 2/26/14 and the CES memo dated 2/25/14 as well as the Country Club Drive model permit issue that needs to be resolved and incorporate the previous motion to pave with the \$350,000 or more in contribution from the developer to pave Chubb Road as far as able with the monies that are contributed.**

**Roll Call Vote:      Ayes: Dolan, Carcone, Cash, Hicks, O'Neil, Young  
                             Nays: Adams**

**MOTION APPROVED**

**C.      Langan Proposal to Vacate Two Easements**

Mr. Doozan reviewed the McKenna Associations memo dated February 18, 2014. He recommended that the Township Board approve the vacation of the easements from ingress and egress and utilities, as described in Liber 19402, page 380, and Liber 11745, Pages 664 & 665.

**Motion by Carcone, second by Adams**

**To vacate the two easements on the north side of 12 Mile Road and the east side of Green Valley Drive as proposed in the McKenna Associates memo dated 2/18/14.**

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

**MOTION APPROVED**

**D.      Request to file litigation – Marlene Hoskins Living Trust Zoning Violation**

Ms. Gatti explained that the property in operation is a landscaping business in a residentially zoned property. The property owner has not taken any action to cease the illegal activity. The request is to pursue an injunction through Oakland County Circuit Court.

Supervisor Young gave a brief history of the issues with this property and what has been done to date to try and rectify the issues. The Board discussed possible ways to accommodate residents that have been established with a business out of their home and the new residents that are coming in the residential areas who are now complaining about the home businesses.

**Motion by O'Neil, second by Cash  
To direct the Township attorney to pursue litigation in Oakland County Circuit Court to seek an injunction.**

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

**MOTION APPROVED**

**E. Request to file litigation – James E. & Judith Petty Zoning Violation**

Supervisor Young explained that this case has the same circumstances as the previous case.

**Motion by O'Neil, second by Hicks  
To direct the Township Attorney to pursue litigation in Oakland County Circuit Court to seek an injunction.**

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

**MOTION APPROVED**

**F. Agreement for Election Services between Oakland County and Charter Township of Lyon**

Clerk Cash explained the Agreement for Election Services has been reviewed by the Township Attorney's and requested that the Board approve the agreement.

**Motion by Cash, second by Hicks  
That Lyon Township enters into the Interlocal Agreement for ballot layout and programming services between Oakland County and the Charter Township of Lyon.**

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

**MOTION APPROVED**

**G. Crystal Creek Discussion**

Supervisor Young explained that the PD stipulated that there would be an entrance off of Spaulding and Milford Road, and that was the basis on which the original PD was approved. When the residents came forward there were issues because the area didn't appear like it was a lived in community because there were only a few homes. The

Board agreed that the gate would be temporary. Through that negotiation a gate was installed. Time has passed and single family homes have developed. Now the residents in the single family homes want the gate to come down and the residents in the duplexes do not. The only thing that can be done at this point is to do what is legal.

**Hank Zande, 26752 Wilton Ct.** – Mr. Zande questioned what the resident's said in order to make the Board take the gate down after all this time. Supervisor Young explained that they were complaining that they wanted it open and the kids were a big item. Mr. Zande explained that they did not know about it, all of a sudden it was just taken down and he thought that was completely wrong.

Treasurer Carcone stated that she felt bad and she wasn't aware that the resident's didn't know about it.

**Dawn Capling** – Ms. Capling asked if there was something else that can be done. She stated that they are totally outnumbered compared to the single family homes.

There was brief discussion regarding moving the bus stop, street trees and various possible solutions.

#### **H. Clark Property**

Supervisor Young explained the proposal from Irwin Arkin. After discussion the Board was split on deciding to keep the land and sell of the REU's being in the best interest of the Township or to ask Mr. Arkin to pay the taxes and SAD's from 2013 going forward to 2026.

#### **ADJOURNMENT**

**Motion by Carcone, second by Cash  
To adjourn the meeting at 10:27 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 10:27 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*  
Kellie Angelosanto  
Recording Secretary

*Michele Cash*  
Michele Cash  
Township Clerk