

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
September 2, 2014

Approved: October 6, 2014

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

Roll Call: Steven Adams
Michele Cash
John Dolan
John Hicks
Sean O'Neil
Lannie Young

Absent: Patricia Carcone

Guests: 14

Also Present: Matthew Quinn, Township Attorney
Chris Doozan, McKenna Associates
Leslie Zawada, Civil Engineering Solutions, Inc.
Christina Archer, DDA

Supervisor Young excused Treasurer Carcone's absence due to illness.

APPROVAL OF CONSENT AGENDA

Approval of Regular Meeting Minutes of August 6, 2014

Approval of Disbursements

Building Department Report for July 2014

Engineering Report for August 2014

Fire Department Reports for July 2014

Zoning Reports for August 2014

Acceptance of Highway Easement from DTE Electric Company, for property commonly known as Cody Substation, (Part of) Tax Parcel No. 21-28-300-005, and the payment of \$4,455.00 for said easement.

Acceptance of Grant Permanent Water Main Sanitary Sewer and Municipal Public Utility Easement from the owners of the following parcels:

21-32-400-017, 21-32-400-037, 21-31-200-004, 21-31-200-005, 21-31-427-001, 21-31-400-034, 21-32-300-023, 21-32-300-025, 21-32-300-027, 21-32-400-026, 21-32-400-024 and from Winding Creek Site Condominium Association Plan No. 995.

Clerk Cash asked to pull off the Giffels Webster bill for discussion.

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

Roll Call Vote: Ayes: O’Neil, Dolan, Cash, Young, Hicks, Adams
Nays: None

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Trustee Hicks announced that on this day in 1945 the document ending WWII was executed and signed on the USS Missouri.

Justin Gusick – He explained that he has lived in the community for 7 years and is currently the School Board President for the past two years. He is currently up for reelection. He explained how the School Board has struggled to keep up with the growing population and maintain a balanced budget. The 3 priorities that the School Board would like to accomplish are passing the school bond in May which would provide for a new school and update the current facilities and to keep the consistency with the board members. The School Board wants to accommodate students and make sure there is room in the existing facilities. He asked that the Township Board to support his reelection.

Mr. Crandall from Giffels Webster updated the Board regarding the Griswold Road project. He informed the Board that the Federal funds have been exhausted and there are no funds for 2014. He understood that there are some efforts to find national funding for Fiscal Year 2014 projects, but that it didn’t look hopeful.

The Board expressed concerns as to why the project wasn’t submitted a long time ago and how they had been told that funds are distributed on a first come first serve basis. Some Board members expressed their great disappointment with how this project was handled. Mr. Crandall stated that he personally felt very bad, but his team worked to a schedule and they got it done in accordance with that schedule.

Trustee O’Neil stated that this was a missed opportunity and apologies only go so far.

Trustee Hicks asked the status of sound measurements at the sewer treatment. Mr. Crandall stated that is complete.

CALL TO THE PUBLIC

John Bell – He updated the Board on the History of Lyon Township book. He explained that they will be starting the marketing very soon and will hold a book signing. The book is dedicated to the Township Board and the DDA. Mr. Bell suggested approaching new developers to have them include the book as part of their closing packets.

Supervisor Young thanked the authors of the book for their work and dedication.

Bob Schram, 57562 HiddenTimbers Drive – He explained that he is at the meeting in the capacity of HOA President of Hidden Timbers. The biggest concern that his subdivision has is the connection of their stub road Ironwood, to the Crystal Creek sub. He explained how Hidden Timbers does not have sidewalks and residents walk and children play in the streets. The resident's money pays for snow removal and crack repair. These two subdivisions are not similar and is not viable alternative to traffic patterns.

REPORTS

DDA – Ms. Archer reported that on 8/8 a ribbon cutting ceremony was held for Civil Engineering Solutions. Ms. Archer attended a teleconference call where MDOT has identified South Hill Road for reconstruction and will be working closely with Hirata and Henrob. Also, there is an automotive supplier looking at property which could bring in another 300-400 jobs. On 8/14 there was a meeting with the auto supplier that is considering that site and now they are waiting to hear their final decision. She now has full access to the Sales Force database and she will be working diligently to get the area businesses in the database so there is a record. Also, she is working closely with the Parks and Recreation Board. On 9/24 she will be attending the One Stop Ready Program where the topic is implementation of best practices. On 10/25 she will be presenting information to the Chamber Business Expo. She will also be creating a monthly report that shows the number of businesses and discusses retention.

Fire Chief – Deputy Chief Berry reported that the department participated in a lock down drill at SLEHS and came up with a plan for them. There were 2 cardiac arrests over the holiday weekend, CPR was started and both patients were saved. He also reported on the new hires for the department. The department was awarded a Life Safety Achievement Award for getting through another year without a fatal fire in the Township. They are working with South Lyon Automatic Aid System and will be standing by at the football games for SLEHS.

Sherriff – None

Planning Commission – Trustee O'Neil reported that the Planning Commission recommended approval on the Bader & Son rezoning, and there was conceptual discussion on the Lyon Trail South project.

ZBA – Trustee Hicks reported that the ZBA approved solar panels and revisions to that section of the Zoning Ordinance will be forthcoming to the Planning Commission.

Park Advisory Board – Trustee Hicks reported that a presentation from Oakland County Parks and is seeking their input on the Master Plan Update for Lyon Oaks Park. There was also a presentation from Sean Morgan regarding disc golf. The Junior League will have fall baseball on the fields and the Panthers have not received a signed copy of their contract. The Zombie Run netted about \$6000 for the park. The park map was completed by McKenna Associates. Ms. Archer discussed the possible Arbor Day Grant and Crowd Funding. Ms. Archer gave a brief explanation regarding Crowd

Funding. The Park Rules sign language was approved. Trustee O'Neil reported that the Junior League may be coming forth soon regarding building a new baseball diamond.

APPROVAL OF AGENDA

Clerk Cash added item S Discussion on going out for bid for a new capital project engineer and Trustee Adams added Chubb Road paving project as item T to the agenda.

**Motion by O'Neil, second by Dolan
To approve the agenda as revised.**

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

MOTION APPROVED

UNFINISHED BUISNESS

A. Second Reading of Brewpubs and Microbreweries – Text Amendment; AP-14-28

Mr. Doozan reviewed the McKenna Associates memo dated August 7, 2014 with the recommendation that the Township Board precede with the second reading and adoption of the brewpub and microbrewery regulations.

**Motion by O'Neil, second by Hicks
To adopt Second Reading of Brewpubs and Microbreweries AP-14-28,
Ordinance 10-14.**

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

MOTION APPROVED

B. Second Reading Amendment to the Massage Permit Ordinance No. 08-14

Mr. Quinn explained that the State of Michigan has taken over and preempted local governments from massage therapists permits so the the ordinance has been amended to allow that but the Township still maintains the right to licensing and enforce business licenses.

**Motion by O'Neil, second by Cash
Adoption of the Massage Permit Ordinance No. 08-14.**

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

MOTION APPROVED

NEW BUSINESS

1. Asbury Hill Estates – Final PD Review, AP-11-12

Mr. Doozan reviewed the McKenna Associates memo dated August 7, 2014.

Mr. Healy explained that this is a small sub and he is losing 12 lots as it is and they have to pay sewer taps on all 71 lots and are not allowed to transfer them. The lot in question by the board was already approved once as it is and he felt the lot should be allowed. This lot is higher up, just a 30' setback. He is trying to work on the bike path issues and go across Grand River. Mr. Doozan explained that the following paragraph should be added "Dedication of Land for Road. The Developer shall dedicate sufficient frontage along Grand River Avenue to provide for 60-foot wide half right-of-way. This dedication of land shall occur prior to scheduling of a pre-construction meeting." Mr. Healy confirmed that the additional paragraph was not an issue.

Supervisor Young stated that density is not the issue it is safety regarding the setback. Mr. Healy agreed to accept Lot number one with a 45' setback and he agreed to the dedication of the right of way and the contingency that Mr. Healy would be willing to pursue getting the bike crossing or put the money up for the cost of it.

Ms. Zawada referenced the CES memo dated 8/26/14. She explained that the existing roadway is in poor condition and it needs to be removed and replaced.

Motion by O'Neil, second by Dolan

To approve AP-11-12 contingent upon dedication of the 60' right of way, contingent upon Lot 1 being held to a 45' side yard setback on Grand River. Contingent on the pathway crossing being installed which would cross Grand River or the equivalent of its cost deposited in the bike path fund. Reference the CES memo dated 8/26/14 and McKenna Associates memo dated 8/7/14.

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

MOTION APPROVED

2. Stoneleigh East Planned Development- Conceptual Review; AP-14-33

**Representing Stoneleigh East: Randy Wertheimer
Andy Milia**

Mr. Doozan reviewed the McKenna Associates memo dated 8/12/14. He explained that the review letter has identified issues that must be addressed prior to preliminary plan development, including measurement of lot width, provision of additional open space to comply with the 20% minimum requirement, and provision of an updated traffic impact statement.

Mr. Milia gave a brief power point presentation. Mr. Wertheimer apologized for the open space miscalculation. Two lots were removed so the requirement is now met. He explained that they expected the home sites to run about \$500,000 per home.

Trustee Dolan questioned lots 27, 28, and 29. Mr. Milia explained that area will be reconfigured.

Trustee Hicks questioned the parking lot behind the Fire Hall, it will be a voting precinct, and wouldn't it be wise to have an access drive. Mr. Milia stated it can be done, but it would bring a lot of unnecessary traffic and they would prefer not to do that.

Supervisor Young asked how the density compares with the rest of the development. Mr. Milia stated it is a hard question to answer, from a practical aspect the lots are the same or larger.

Trustee Adams questioned the traffic impact. Mr. Doozan stated that was one of the things that they need to provide. Trustee Adams stated that he didn't care for only one entrance. Mr. Milia stated from a safety and traffic standard it improves the entire development with the two entrances.

Supervisor Young explained that the detention to the Township Hall was not a benefit and the bridge will have to be done so there is a bicycle path, the bridge is critical, no compromise, it has to go in. Mr. Milia explained that their concern is introducing different entities into the decision making process.

Ms. Zawada referenced the CES memo dated 8/12/14. Sanitary sewer needs to be reviewed with Highland Treatment.

C. Carriage Club Drainage Issues

Ms. Zawada gave a brief history of the water issues at Carriage Club. She felt that it could be a big issue and it is hard to define just the one issue. They found that one of the outland stands was been plugged. Meetings were held with the HOA, they are required to maintain the outlet and numerous meetings were held with the residents. All of these things happened and things were dragged out, the residents are concerned that it's just not moving along consistently. At the request of the residents it was placed on the agenda for discussion purposes. The stand pipe does appear to be working today but she has other concerns.

Jim Chuck and Jerry Glower gave a power point presentation showing the history of the drainage problems and the work that has been done to correct the drainage issue.

Ms. Zawada explained that there is a back flow on the culver that comes out that could be contributing to the problem and it is something that needs to be looked at. She suggested that an alternate route may need to be found. Mr. Healy explained that the problem began when one of the neighbors blocked up the culvert.

Ann Polson, 25000 Belladonna Drive. Explained that the culvert that goes across the access road onto Gary Bidwell's property didn't work. The major storm came through yesterday and the water didn't go under the culvert. That culvert is not angled properly. We have to repair the entire road now. This water has been standing there since last November and because of that there are 40 dead trees, 3 trees that are about 200 years old are showing stress signs and dying. This water issue only showed up after Phase 3 was completed, in the last years they started getting this massive amount of water and it flows all the time.

Supervisor Young explained this is private property and an easement was obtained. He didn't know what more the Township could do at this point. Mr. Quinn agreed, and explained that it appears that the association has taken care of what they needed to take care of. On the areas where there is not an easement and other property owners have control over the ditch next to the road, the Township and the HOA has no authority over that area. The private road owners need to enforce their rights with one another in order to maintain a constant flow of the drainage through that road. He felt this was a good first step but the Township would only assist in an advisory capacity.

D. Pumpkin Festival Parade

Motion by Cash, second by Adams

To approve the Pumpkin Festival Parade road closures referencing the parade map that was provided by Phil Weipert.

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

MOTION APPROVED

E. Riverwood Estates – Lyon Township Easements

Representing Riverwood Estates: Wayne Perry, Desine, Inc.

Mr. Perry gave a brief review of the design engineering. He explained that on the west side of the property there are a number of existing easements across the property and the goal is to replace those existing easements with one new easement which will follow the pathway of the roadway along with the two track on the property now.

Supervisor Young explained that more review is needed on this item and it will be tabled.

**Motion by Cash, second by Hicks
To table Riverwood Estates until the next meeting on October 6, 2014.**

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

MOTION APPROVED

F. Resolution for Emergency Management Liaison

Supervisor Young explained that the information just needed to be updated.

**Motion by Cash, second by O'Neil
Resolve to adopt Resolution No. 2014-22 appointing the Oakland County
Emergency Management Coordinator as the Charter Township of Lyon and
designating an Emergency Management Liaison as per the document.**

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

MOTION APPROVED

G. Bader and Son Rezoning; AP-14-34

Mr. Doozan reviewed the McKenna Associates memo dated 8/26/14.

Ms. Zawada did not have any issues at this stage.

Trustee O'Neil explained that this makes good use of an existing building and a good opportunity to repurpose it.

Trustee Dolan questioned what the future idea is for the land that is owned by the Township that is around that property. Supervisor Young explained that after talking with Mr. Bader they communicated that they don't need all of their property and would be willing to provide access off of 8 Mile Road which left an option for the Township.

Mr. Quinn recommended excluding the small piece from the rezoning that fronts 8 Mile.

**Motion by O'Neil, second by Cash
To approve the rezoning from B-2 to B-3 on parcel 21-31-400-015 for first
reading.**

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

**Motion by O'Neil, second by Cash
To reject the rezoning from B-2 to B-3 on parcel 21-31-400-020.**

**Voice vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

H. Amendments to Article 15 of the Zoning Ordinance – Landscaping; AP-14-26

Mr. Doozan referenced the McKenna Associates mem dated 8/21/14. He explained that this amendment makes the distinction between caliper and diameter at breast height and it will eliminate conflicts with the Tree Protection Ordinance.

Motion by O'Neil, second by Dolan

To move Amendments to Article 15 of the Zoning Ordinance – Landscaping; AP-14-26 to second reading.

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

MOTION APPROVED

I. Amendments to Articles 31 & 32 of Zoning Ordinance – Business Districts; AP-14-27

Mr. Doozan referenced the McKenna Associates memo dated 8/21/14. He explained that this deals with Articles 31 and 32 which deal with business districts.

**Motion by O'Neil, second by Dolan
To move AP-14-27 to second reading.**

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

MOTION APPROVED

J. Amendments to Zoning Ordinance, dealing with review of Condominium Master Deeds, Bylaws and Exhibit B Drawings; AP-14-29

Mr. Doozan referenced the McKenna Associates memo dated 8/21/14.

**Motion by O'Neil, second by Adams
To move AP-14-29 to second reading.**

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

MOTION APPROVED

K. 2014 Sewer System Lateral Benefit charge Ordinance No. 07-14

**Motion by Cash, second by Hicks
To table the 2014 Sewer System Lateral Benefit charge Ordinance No. 07-14
until the October 6, 2014 Board meeting for more discussion.**

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

MOTION APPROVED

L. 2014 Water System Lateral Benefit Charge Update Ordinance, No. 09-14

**Motion by Cash, second by Hicks
To table the 2014 Water System Lateral Benefit Charge Update Ordinance
No. 09-14**

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

MOTION APPROVED

M. Revisions to the Engineering Design Standards

Ms. Zawada explained that she is recommending modifying the engineering standards in the grading requirements.

**Motion by Cash, second by Hicks
To approve Resolution No. 2014-23 Resolution amending engineering
design standards.**

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

MOTION APPROVED

N. Purchase of Trailer for Elections

Clerk Cash explained the need for a new election trailer. She explained that the lowest bid was for \$4699.00.

Motion by O'Neil, second by Adams

To accept the Clerks recommendation to purchase the election trailer for a total of \$4699.00.

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

MOTION APPROVED

O. Park Tree Clearing and Grubbing

Supervisor Young explained that the goal is to take the wooded area and clear out the undergrowth and save the bigger trees to provide a picturesque picnic area.

Trustee Dolan asked if they should get some more bids. Trustee Adams agreed.

The Board agreed that a nice picnic area would be a benefit to the residents.

Motion by O'Neil, second by Adams

To table in order for the Supervisor to get some more estimates to bring back to the board.

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

MOTION APPROVED

P. Park Signage Approval

Ms. Archer explained that the Park Advisory Board considered the design and locations of the park signs and will cost share with the DDA. Three bids were received with the lowest bidder being Donner Sign Company.

Motion by Hicks, second by Adams

To approve the Park Signage not to exceed \$414.00 out of the Park Fund with the DDA picking up the other half of that cost at \$414.00.

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

MOTION APPROVED

Q. Rugiero Property Listing Agreement

Supervisor Young explained that he would like to enter into a listing agreement with Mark Szerlag.

Motion by Hicks, second by Cash

To allow Supervisor to enter into agreement with Thomas A. Duke Company for an exclusive right to sell on the form provided.

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

MOTION APPROVED

R. Discussion on Deputy Fire Chief

Motion by Cash, second by O'Neil

To table the discussion on the Deputy Fire Chief until they have information for the Board.

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

MOTION APPROVED

S. Giffels Webster

Clerk Cash stated that she did not believe that they are doing their job for the Township. Mr. Crandall stated that Giffels Webster took the project very seriously. Since the first of the year they have dedicated a very experienced staff in getting the project done. The deadline they were given was 8/29/14. Earlier in the year he heard that funds could run out, they ran into a number of hurdles including the left hand turn lane on 8 Mile Road. There is not a lot that would have moved the project up 2.5 months. He knows that they gave it their all.

Mr. Meyer from Giffels Webster also stated that they did have issues but that Giffels Webster has also done good things for the Township such as the SAW Grant. He understood that the money is important and there still could be funds available although that is not looking good but it is not 100% dead yet.

The Board expressed their great disappointment after being told by Giffels Webster that the federal funds would be distributed on a first come first serve basis. They felt that the project should have been moved up in priority and felt the project was mishandled.

Trustee O'Neil stated that they are talking about 1.7 million dollars and he wondered what they will tell the residents because that is who will have to do the explaining, it wouldn't be Giffels Webster.

Mr. Crandall stated that there is an approved amount for the engineering that has been billed and a significant amount that hasn't been billed. Mr. Crandall had told Supervisor Young that if the project doesn't get built he wouldn't bill the Township. Trustee O'Neil questioned the money that has already been spent. Mr. Crandall stated that there was a deadline and it was met, and this team worked hard to do that. He felt it was generous to do what he was offering.

Supervisor Young asked that everyone maintain the emotions and to wait and see what goes forward, October 1, 2014 is the new fiscal year and he wants to hold out till then and see what happens.

T. Chubb Road Paving Discussion

Trustee Adams explained that previously the Board approved paving from 10 mile toward the first entrance of the new Tanglewood Subdivision. He thought since there may be some extra funds that it might be a good time to pave the rest of that road.

Supervisor Young explained that we have not had the chance to come up with a list of projects and prioritize yet.

Trustee O'Neil stated he would not vote to spend a penny of it until we have a period of time and a list is developed with a capital project. There are tons of needs out there and they need to separate out their wants and needs. Most responsible way to approach it is to identify and list the projects and try to find matching funds.

The Board decided to set up a committee for capital improvement.

U. Addition of Giffels Invoices.

Clerk Cash questioned what was going to be paid since Mr. Crandall had offered not to bill the Township for their services due to the failure of the Griswold Road project. Supervisor Young reviewed the funds that have been spent and he reviewed the charges from Giffels Webster.

Trustee O'Neil questioned the design on an expansion and for whatever reason it couldn't be used; it was 2 million dollar design. The Township paid for a design and he questioned why it had to be redesigned and why some of the information couldn't be used but had to be re-done such as the geotechnical information.

Mr. Crandall explained that some of the items had to be re-done, the recommendation happened when the economy was booming; the DEQ said the plant needed to be expanded. It was decided to go with 2.5 million dollar oxidation ditch design since this is a much more efficient plant to run, it is user friendly and it pays for itself over time. After

talking with the financial consultants it was found that the user rates could support that. When the Township ran into problems with SADS and things they couldn't afford to do the project and ended up doing an SBR expansion which costs more to run, so it had to go beyond the scope.

ADJOURNMENT

**Motion by Cash, second by Hicks
To adjourn the meeting at 10:30 p.m.**

Voice Vote:	Ayes:	Unanimous
	Nays:	None

MOTION APPROVED

The Board of Trustees meeting was adjourned at 10:30 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Michele Cash

Kellie Angelosanto
Recording Secretary

Michele Cash
Clerk