

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
October 6, 2014

Approved: **NOVEMBER 5, 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: 32+

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

Supervisor Young excused Treasurer Carcone's absence due to her attendance at a Treasurers conference.

APPROVAL OF CONSENT AGENDA

Approval of Regular Meeting Minutes of September 2, 2014

Approval of Disbursements

Building Department Report for August 2014

Engineering Report for September 2014

Fire Department Reports for August 2014

Oakland County Sheriff's Tri-annual Report Jan-Aug 2014

Zoning Reports for September 2014

Acceptance of Grant of Permanent Water Main, Sanitary Sewer and Municipal Public utility Easements from parcel number 21-31-400-036 for the consideration of \$660.00

Acceptance of Grant of Permanent Water Main, Sanitary Sewer and Municipal Public Utility Easement from parcels: 21-32-400-014 and 21-31-200-034 to approve the payment of the consideration set forth in each easement.

Acceptance of Bills of Sale for Water Lines & Sewer Lines from Hunter Pasteur Homes Stoneleigh, LLC for the Stoneleigh Phase II Development.

BioTech Argonomic, Inc. per Agreement, Increase in fixed price based on CPI.

Trustee O'Neil requested that the Giffels Webster invoice be removed to discuss as item 10Q.

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

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Clerk Cash explained that if anyone is still in need of their absentee ballot to please call the clerk's office to request on application and it can be mailed.

CALL TO THE PUBLIC - None

REPORTS

DDA – Ms. Archer reported that the park signs were installed presenting the rules of the park based on the Ordinance. Also, brush scrubbing will be done and then the theme for downtown area will continue along the front of the Township Hall with the addition of park benches and fences and eventually some lights. Someone from the public made a donation for the benches. Progress is being made on the database and she hoped to have an update at the next meeting. An Arborist visited the Township and walked around the entire DDA area and identified trees that needed to be replaced or were damaged. She reported that AAA office opened in the Lyon Center and a BIGGBY Coffee is coming soon. On 9/25/14 she was nominated as a Board member for the LEO Organization. She also reported that she participated with the book signing on the History of Lyon Township. A forum on introducing form based code will be upcoming.

Fire Chief – Deputy Chief Van Sparrentak reported that the Halloween Party is October 25 from 6-8 p.m. at Fire Station #1 on Grand River Ave.

Sherriff – None

Planning Commission – Trustee O'Neil reported that most of the items that were covered at the Planning Commission meeting are on this agenda. He gave a brief explanation regarding the Planning Commission's actions.

ZBA – None, there was no meeting.

Park Advisory Board – Trustee Hicks reported that an illumination evaluation for the park lighting was completed. Park options were discussed. He explained the disc golfing proposal and explained that they are still looking for Eagle Scout projects. A part time manager was also discussed.

APPROVAL OF AGENDA

**Motion by Cash, second by Dolan
To approve the agenda with the addition of Item Q discussion on Giffels
Webster bills.**

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

MOTION APPROVED

UNFINISHED BUISNESS

A. Second Reading Bader and Son Rezoning; AP-14-34

Mr. Doozan explained that this involves a rezoning of the site. He reviewed the options that were laid out by the Township Attorney as Option 1 rezoning of 4.73 acres or Option 2 rezoning of the entire land holding.

There was brief discussion regarding notification of the owners.

**Motion by Cash, second by Dolan
To approve the Bader and Son Rezoning Second Reading with Option two
6.15 acres of B-2 Community Business District to B-3 General Business
District.**

Trustee Adams felt that the applicant should have been in attendance to clarify what the applicant wanted. Trustee O'Neil explained that the Public Hearing was held and it was based on 6.15 acres and the applicant did not say they wanted it to be different.

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

MOTION APPROVED

**B. Second Reading Amendment to Article 15 of the Zoning Ordinance –
Landscaping; AP-14-26; Ordinance No. 13-14**

Mr. Doozan explained that there is no change from the last meeting.

**Motion by O'Neil, second by Dolan
To approve the adoption of Ordinance No. 13-14 Amendment to Article 15
of the Zoning Ordinance, Landscaping**

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

MOTION APPROVED

C. Second Reading Amendment to Articles 31 & 32 of Zoning Ordinance – Business Districts; AP-14-27; Ordinance No. 11-14 and Ordinance No. 12-14

Mr. Doozan explained that there was no change from last month's meeting.

**Motion by Cash, second by Hicks
To approve the adoption for Ordinance No. 11-14 known as B-2 Community Business District Update Ordinance.**

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

MOTION APPROVED

**Motion by Cash, second by Hicks
To approve Ordinance No. 12-14 known as B-3 General Business Update Ordinance.**

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

MOTION APPROVED

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

Mr. Doozan explained that the change the review of the Condominium Master Deeds, Bylaws and Exhibit B Drawings from being reviewed by the Planning Commission and the Township Board to being reviewed administratively.

**Motion by Cash, second by O'Neil
To approve Ordinance 14-14 known as Administrative Review of Condominium Documents.**

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

MOTION APPROVED

E. Griswold Road Update

Mr. Crandall referenced the Giffels Webster memo dated September 26, 2014. He explained that this project is on for the 2015 TIP and has been submitted by MDOT to the Federal Highway Administration for obligation. This project is anticipated to be in the January bid, with clearing over the winter and construction over the summer.

Mr. Crandall commented that he can't imagine anything other than a war stopping the funding.

NEW BUSINESS

A. Crystal Creek South – Amendment to Planned Development; AP-14-20

Representing Crystal Creek: Greg Windingland, Lombardo Homes

Mr. Doozan reviewed the McKenna Associates memo dated June 20, 2014. It was recommended that the Township Board approve the preliminary plan for Crystal Creek South planned development (AP-14-20), subject to the following conditions;

1. Recommend that the Township Board grant a waiver from the front and perimeter setback requirements, provided that the plans are modified to illustrate the 5-foot and 25-foot side setbacks of each lot.
2. Sheet 2 must be revised to illustrate the bike path in the proper location.
3. The landscape plan must be modified as noted.
4. Typical façade elevations must be provided.
5. If the applicant is allowed to abide by the current Tree Protection Ordinance it is recommended that minimal tree replacement at the rate of 5 trees per lot in the existing wooded areas
6. Township Engineer and Township Attorney approval shall be required.
7. The Second Amendment to Planned Development Agreement must be revised.

Ms. Zawada referenced the CES memo dated July 1, 2014. She explained that there are significant storm water concerns. Since the Planning Commission meeting the applicant's engineer has contacted Oakland County and they feel that the issues can be helped by directing the detention basin into the drain. She also noted that it is possible that the water main may need to be looped.

There were concerns mentioned regarding the Planning Commissions denial of the project. Ms. Gatti explained that since that meeting new information has been received that alleviates the Planning Commission's concerns. Trustee O'Neil explained that there was concern regarding the connection and he had concerns about making assumptions for the Planning Commission and he knew there were many concerns amongst the residents. He would rather see it go back to the Planning Commission.

Trustee Adams commented that he did not think the road should be connected. There is a safety issue. He felt it should go back to the Planning Commission. Ms. Gatti explained that it is up to the Road Commission to make the decision regarding the road connection.

Greg Windingland, Lombardo Homes explained that they are not interested in fighting with the residents or with the Board. The farming portion was approved and hoped that it might help some of the drainage issues. The engineering issues are not to be resolved tonight. On July 30 he met with several of the Hidden Timbers Board members and their concerns about the cut through traffic, and their sub having no sidewalks. We talked about revising the overall plan to eliminate that connection all together, or erecting a gate. They also discussed adding additional landscape screening to the west of the connection. On August 20 he received a letter from the Road Commission and that stated the connection must happen or the roads will not be accepted as public. On August 21 the Road Commission stated that they do not allow gates across public roads and no gates would be allowed. Mr. Windingland explained that they are now at the point that they need to move forward with the project and they felt this was a much improved plan without the impact to the wetlands. He stated that they don't want to get into a struggle with the Planning Commission but they are boxed into a corner, ordinance requires public roads and they have an approved plan.

Trustee Adams commented it's a safety item and the resident's don't want it. He suggested meetings with the Road Commission.

Trustee O'Neil explained that one of the concerns he has is the equity of saddling the resident's with further maintenance cost and the responsibility of repaving the road that their neighbors will be using. The Road Commission makes these calls and places costs on the residents that have an aging road. Trustee Adams questioned if there is ever a time when a stub road is no longer a stub road. Ms. Gatti explained that the connection is already approved. Clerk Cash stated that the two entrances on Eleven Mile should still be done. Trustee Dolan questioned what the downside would be to eliminate the stub road. Mr. Windingland explained that they would just go forward with the currently approved plan which would impact the wetlands more.

Mr. Doozan commented that the goal is to obtain a road network and relieve the congestion on the main roads; he explained that this happens throughout the United States as an accepted fact and studied over and over by traffic engineers.

Julie Labadie – She explained that Hidden Timbers has 25 acres of wooded area and there is a blind corner at Ironwood. She provided a short power point presentation to the Board which showed kids getting on and off a school bus, showed that there are no sidewalks in the subdivision and that kids do play in the street and how that presents a large safety concern. She explained that she grew up in the area and they decided to move back here to raise their family. She felt that the Township is bending over backwards for developers and stated that the Township doesn't need to give things away for people to come here. She was impressed with the professionals on the

Planning Commission. The residents are very worried regarding the safety of their children and with the addition of more cars that safety is lessened. The Board has the ability to make the Township exceptional. She asked that the Board uphold the decision made by the Planning Commission and deny it.

Brandon Heintzelman, 57323 Hidden Timbers Drive – He cited many articles and municipal codes listed in the Township Ordinances. He is also very concerned regarding the safety of the children in the subdivision.

Supervisor Young explained that they are aware of all of those items but there is no money to do that which is why they leverage the developers to get as much out of them as they can economically do. It is all part of the Master Plan and they all aspire to meet those areas of the ordinance.

Bob Schram, 57562 Hidden Timbers Drive – He thanked the many residents who prepared and researched for this meeting. He felt that they have a strong basis in the ordinance to deny this project. He spoke to the Road Commission regarding the connection and the only reason that he received for the connection was the ease of snow plowing. They don't need more traffic and he felt that the Township was choosing planning over safety. The Planning Commission unanimously supported denial and it was their hope that the Board would support them too. He also commented that there are 5 other subdivisions that have stub roads but they don't connect to a main thoroughfare. He commented that Mr. Doozan's comment about a road network don't make sense in the real world. He hoped that the Board supports the resident's and votes for the citizens of Lyon Township.

Richard Henderson, 57200 Hidden Timbers Dr. He commented that mainly everyone's concern is safety. He commented that he moved from Novi and there was a stub road in his subdivision which also had a subdivision built right next to it but instead of connecting the subs a berm was built at the stub road. He assumed that this stub road would be blocked off or a gate installed since there was no indication it would be a connection. He had difficulty understanding the no gate policy. He asked that the Board deny the request and allow the opportunity to the resident's to speak to the Road Commission.

Ms. Zawada thought there may be a more successful approach in approving the gate but she didn't think the Road Commission would waive the connection. Mr. Windingland explained that they do have the email that the Road Commission said no to the gate. Mr. Windingland stated that they have already agreed to pay for a gate and place it more south on the Hidden Timbers property and they would also pay for the T-turn around if it was required.

Lisa Brandt, 57234 Hidden Timbers She stated that she has not seen any plan that reduced the amount of entrances. The Road Commission needs to understand the safety concern.

Bob Schram – He stated that he would rather see the 2004 plan go in and would rather go back to that plan.

Mr. Windingland suggested when meeting with the Road Commission that he be able to include a resident on the Road Commissions meeting for transparency reasons.

Trustee Dolan stated that they go to bat for everyone but our residents. He stated that the developer should put the plans in without the stub road and submit a letter from the Board explaining that this situation has different circumstances. He thought they should pull together and say they don't want it and ask the developer to put another house in that location and take their community back.

Jim Hamilton – He stated that there has been a lot of debate and he felt the plan should go back to the Planning Commission.

Sue Croteau - She stated that Hidden Timbers has one entrance so why does the new sub get two entrances.

Trustee O'Neil stated he wanted to see this denied and brought back to the Planning Commission.

Motion by Dolan, second by O'Neil

To approve the plan without the stub road because they find the two developments dissimilar in design and making a connection could be detrimental to the homeowner's of Hidden Timbers. Subject to the McKenna Associates memo dated June 20, 2014, the CES memo dated July 1, 2014 and the attorney comments.

**Voice Vote: Ayes: Unanimous
 Nays: none**

MOTION APPROVED

B. Riverwood Estates – Lyon Township Easements

Ms. Zawada referenced the CES memo dated 9/26/14 requesting that the documents be revised and resubmitted.

Motion by O'Neil, second by Adams

To approve the Easement Extinction Agreement subject to the CES memo dated 9/26/14.

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

MOTION APPROVED

Motion by O'Neil, second by Dolan

To approve the relocation of easement for ingress and egress parcel number 21-22-300-058 subject to the CES memo dated 9/26/14.

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

MOTION APPROVED

C. Asbury Hill Estates Condominium Review; AP-11-12

Mr. Doozan reviewed the McKenna Associates memo dated 9/16/14.

Motion by O'Neil, second by Hicks

To approve subject to the review and concurrence of consultants.

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

MOTION APPROVED

D. Lyon Athletic Club PD – Conceptual Review; AP-14-32

**Representing Lyon Athletic Club: Brady Crosby
Sam Falk**

Mr. Doozan reviewed the McKenna Associates memo dated 9/15/14. It was recommended that the Board offer advice to the applicant on the issues presented in the memo.

Mr. Crosby explained that many of the concerns were regarding the 75' berm on the west side. He explained that the large berm will shield the residents. The berm extends along the west side. The exit only lane will be used for emergency vehicles and it will be gated off so people won't use it as an entrance/exit. The building materials were also reviewed along with the layout. He explained that the pool is a conceptual design only at this time.

Supervisor Young felt that the buildings needed to be compatible with the surrounding residential areas.

Trustee O'Neil explained that some of the land will be excavated out to lower the building height effectively. The tallest area would be 40', on the sides it would be 20'. Trustee O'Neil explained that some of the concerns that the residents had at the Planning Commission meeting were lighting and that the neighbors didn't want to see

the building or hear noise that would be generated. The soccer fields will not be lit and he felt that the goal is to put the 75' berm in and landscape it. Mr. Crosby explained that they plan to meet with the neighbors after they get feedback from the Board. Trustee O'Neil explained that another concern is traffic.

Trustee Adams, liked the light at Country Club Drive and he asked if the applicant considered a third lane. Trustee Hicks agreed with the light at Country Club Drive and he liked the looks of the building.

Mr. Crosby explained that he lives in the community and he would love to see something like this in their community, it is a needed service and they thought it was a great fit. Mr. Falk stated that their big challenge will be the residents at the surrounding properties and it will be their next important step and zero in on the landscaping and review it with the residents.

Trustee Dolan stated it looks like a large commercial building and he thought it would be more desirable if it was a large residential looking building. Be compatible with the area. Mr. Doozan suggested that since most of the buildings are brick on Ten Mile and that they could look at that.

Clerk Cash suggested using the building materials like the brick that runs along the Ten Mile corridor to keep the theme.

David Gatt, 24750 Wedgwood Drive – His first concern was the waiver for the rezoning. Supervisor Young explained that the waiver from the 40 acres was not anything out of the ordinary. Mr. Gatt stated that there is the potential of 40' setback to the side of the soccer field and that there was not room to put a berm. He had an issue with relocating the pine trees. Suggested having one soccer field and reduce the impacts to existing tree line. Concerning the traffic he felt the best place for a light is at Currie. He questioned if there will be a brick wall around the generators and air conditioning units? He asked where people will use the bathroom when on the soccer fields or tennis courts. He also felt that the parking lot was not in an ideal location.

Karen Gatt stated that the traffic survey was done in August. Mr. Crosby explained that the study did pull old data as well as the peak driving times during school. Ms. Gatt stated that the potential for the middle school will be another factor and concern. They were told that land would always stay residential and how this project would have a big impact to the property values. She asked that the Township listen to the residents of the community.

E. Shepherd's Way Church- Special Land Use; AP-14-37

Mr. Doozan reviewed the McKenna Associates memo dated 9/15/14. He explained that several issues were raised during the review of this case as follows:

1. Compatibility with the Master Plan.
2. Need for the Proposed Use
3. General Upkeep of the Site.
4. Parking.
5. Landscaping.
6. Site Plan.

Andrea Wood explained that she is the applicant and she submitted a letter that addressed the issues, they will comply with the requested items. The church has been in the area for 10 years and it is a recognized Lutheran Church. This church focuses on outreach.

**Motion by Dolan, second by Hicks
To approve Shepherd's Way Church Special Land Use, AP-14-37.**

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

MOTION APPROVED

F. Petz Auto & Truck-Special Land Use; AP-14-46

Mr. Doozan reviewed the McKenna Associates memo dated 9/25/14.

**Motion by Hicks, second by Cash
To approve the special land use for Petz Auto and Truck Repair; AP-14-46.**

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

MOTION APPROVED

G. Rathmor Park Planned Development – Phase 1 Condominium Review; AP-14-47

Mr. Doozan reviewed the McKenna Associates memo dated 9/29/14. Ms. Zawada referenced the CES memo dated 9/23/13. She explained that the applicant has resubmitted but she hasn't had time to review it yet.

**Motion by O'Neil, second by Dolan
To approve Rathmor Park Planned Development, Phase 1 Condominium Review; AP-14-47.**

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

MOTION APPROVED

H. 2014 Sewer System Lateral Benefit Charge Ordinance No. 07-14

**Motion by O’Neil, second by Cash
To table to the next meeting.**

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

MOTION APPROVED

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

**Motion by O’Neil, second by Cash
To table to the next meeting.**

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

MOTION APPROVED

J. Resolution 2014-25 to Obtain Category “A” Funds for South Hill Road Reconstruction

Ms. Archer explained that MDOT has identified that South Hill Road was in need of reconstruction. The projected cost is one million and MDOT will cover all costs. \$50,000 will be covered by the Road Commission and the other \$50,000 will be provided by the DDA.

**Motion by Adams, second by Hicks
To approve Resolution 2014-25 to obtain Category “A” funds for South Hill Road reconstruction.**

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

MOTION APPROVED

K. Resolution 2014-26 Establishing Tentative Special Assessment Roll for General Purposes

**Motion by Hicks, second by Cash
To adopt Resolution 2014-26 Establishing Tentative Special Assessment
Roll for General Purposes.**

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

MOTION APPROVED

L. Fireworks Amendment Ordinance No. 15-14

Ms. Gatti explained that this is an amendment to the existing Fireworks Ordinance.

**Motion by Cash, second by Hicks
To approve the Fireworks Amendment Ordinance No. 15-14.**

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

MOTION APPROVED

M. Tree Protection Ordinance No. 16-14

Mr. Doozan reviewed the McKenna Associates memo dated 9/17/14.

**Motion by Cash, second by Dolan
To adopt in first reading the Tree Protection Ordinance 16-14 including the
McKenna Associates memo dated 9/17/14.**

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

MOTION APPROVED

N. 2015 Budget Discussion

Supervisor Young briefly reviewed the draft 2015 budget items.
A workshop meeting will be scheduled at a later date in October.

O. Consideration to Bid All Capital Improvement Engineering Projects

Trustee Dolan explained that he believed that Giffels Webster has become complacent and the Township needs to have more bids coming in for the capital jobs and keep the residents of the Township at the forefront.

Mr. Crandall stated that obviously he would like to stay and be their engineer. There are advantages and disadvantages. It is their decision and he would respect that.

Trustee Adams explained that competitive bidding is not a bad idea. Mr. Crandall stated that he thought they have done a good job and that they are competitive.

Supervisor Young suggested forming a committee to see about how to move forward.

Trustee O'Neil stated that he agreed with Trustee Dolan and he felt that they should bid and felt that they owe it to the residents to see if there is a possible cost savings without compromising quality. Trustee O'Neil explained that he didn't think they should change the current projects that are close to ending. Their three year contract expired in June.

Motion by O'Neil, second by Dolan

To not extend the existing contract agreement and to competitively bid future engineering projects out and that we no longer award non-bid contracts.

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

MOTION APPROVED

P. Romano Demolition Agreement

Supervisor Young explained that an agreement has been made to allow the demolition of the building and the owner would pay the Township back for the cost. If the owner didn't follow through with that then the cost would be rolled onto his taxes. Trustee Hicks stated it is the building north of Saddle Creek.

Trustee O'Neil confirmed that the owner was agreeable with the fee.

Ms. Gatti stated that a provision will be added regarding environmental protection.

Motion by O'Neil, second by Hicks

To approve the demolition agreement subject to legal adding a provision regarding environmental protection.

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

MOTION APPROVED

Q. Giffels Webster

Trustee O'Neil stated that per the agreement he wanted to be assured that those items would be furnished and that the Township will not be hanging in the wind on anything that was paid for.

**Motion by O'Neil, second by Dolan
To approve the bills as submitted.**

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

MOTION APPROVED

ADJOURNMENT

**Motion by Cash, second by Hicks
To adjourn the meeting at 11:26 p.m.**

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

MOTION APPROVED

The Board of Trustees meeting was adjourned at 11:26 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash

Michele Cash
Township Clerk