

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
January 5, 2015

Approved: February 2, 2015

The meeting was called to order by Trustee Hicks at 7:00 p.m.

Roll Call: Steven Adams
Patricia Carcone
Michele Cash
John Dolan
John Hicks
Sean O'Neil

Absent: Lannie Young

Guests: 19

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

Trustee Hicks excused the absence of Supervisor Young.

APPROVAL OF CONSENT AGENDA

Approval of Regular Meeting Minutes of December 1, 2014
Approval of Disbursements
Building Department Report for November 2014
Engineering Report
Fire Department Reports for November 2014
Zoning Reports for December 2014
Revenue Expenses Report November 2014

**Motion by Cash, second by Adams
To approve the consent agenda as presented.**

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Treasurer Carcone reported that the deadline was met regarding the special revenue sharing and the Township received the first \$6,000 today.

Trustee Hicks reported that 101 years ago today Henry Ford approved the \$5.00 a day wage rate.

CALL TO THE PUBLIC - None

REPORTS

DDA – Ms. Archer reported that there will be a ribbon cutting for Petz Auto Repair and Grand Trunk Cross Fit. She explained that they will be having a discussion regarding business registration so they are aware of any new businesses in the Township and are able to promote or assist these businesses. The DDA has put in a full page ad in Prosper Magazine promoting Lyon Township for Economic Development.

Fire Chief – Chief Van Sparrentak reported that the Fire Department has seen about a 14% increase in responses in 2014. With a new year comes a new budget and they will be in pursuit of a new ambulance this year. Also, they will be going to a flat rate for the officers and fire fighters in order to make payroll easier.

Sherriff – Sargent Venus reported that 4 of the 5 new officers have started working due to the millage approval. He reported that it was a quiet holiday season in the Township but that there was a break in at the BP Gas Station.

Planning Commission – Trustee O’Neil reported that KRG investments received approval and that Crossroads Center façade improvements will be on the next agenda.

ZBA – None, there was no meeting.

Park Advisory Board – Trustee Hicks reported that they discussed seeking grants for the trail system and they watched a presentation on non-motorized trails

APPROVAL OF AGENDA

**Motion by Cash, second by O’Neil
To approve the agenda as presented.**

Voice Vote:	Ayes:	Unanimous
	Nays:	None

MOTION APPROVED

UNFINISHED BUSINESS - None

NEW BUSINESS

A. Charlevoix Place PD Conceptual Review; AP-14-55

Representing Charlevoix Place – Bruce Michael

Mr. Doozan reviewed the McKenna Associates memo dated 12/12/14. The review letter identified several issues that must be addressed before this proposal can move through the review process. It was recommended that the plans be reviewed to address the deficiencies that are identified in the McKenna Associates memo. As noted, no action shall be taken by the Township Board at the conceptual review stage.

Ms. Zawada reviewed the CES memo dated 12/19/14. She explained that Devonshire, Shadow Wood and two other proposed developments are interested in working together to extend the water main and sewer in a private agreement. It has been expressed that a special assessment would not be supported on these vacant lands. This agreement will come before the Board in February. She reviewed the following points from the memo:

1. The exact configuration of water main, sanitary sewers and storm sewers will be reviewed during detailed engineering review. An offsite extension of water and sewer is proposed along 9 Mile Road.
2. CES is in the process of verifying if the existing 15 inch gravity sewer in 9 Mile Road at the Kirkway entrance has capacity and depth available for this development. This existing sewer is approximately 1,700 feet west of the subject property. The Township Master Sewer Plan depicts a portion of this proposed connection as a force main.
3. The water main is proposed to be a long dead end. Final fire analysis will be needed to determine if pressures and flows will be sufficient. Looping may be required.
4. Sediment forebays will be required for any ponds outletting to a regulated wetland.
5. The storm water calculations must be revised to reflect a discharge of 0.10 cfs/ac.
6. While non-regulated wetlands are allowed on lots, this site has several lots with regulated wetlands extending onto them. The buildable area of lot 20 is questionable due to the wetland.

Mr. Michael explained that in regard to the other two proposals there was an opportunity to put together a reviewed plan with the Planning Commission comments. A number of the comments have been rectified in another set of plans but the plans didn't come in time for this meeting. Fundamentally, the plans are the same.

Trustee Adams questioned the wetland extension on lots 25, 26 and lot 2. Mr. Michael explained that they have discussed what is allowed and they have done a minimalistic approach they are keeping anything they are doing under an acre but there will be some

fill in that area.

Trustee Adams stated that he felt there was very little open space. Mr. Michael stated that they have modified the layout where there is more open space. Mr. Doozan explained that for the wetlands to be counted for open space they have to be useable wetlands and not wet all of the time. Mr. Michaels stated with the reconfiguration they have created a lot of unusable open space. Also, a trail system has been developed.

Mr. Michael explained that the homes will range in size from 2,800 sf. - 3,800 sf. The average home price will be \$550,000-\$650,000.

Mr. Dolan and Treasurer Carcone expressed their concern that the plans have been changed and the Board was not able to comment when they weren't aware of the changes. There was discussion regarding the change in the plans. Trustee O'Neil suggested that the changes go back to the Planning Commission and then those changes should be brought to the Board so everyone is looking at the same thing.

Mr. Michael confirmed that as of now the number of lots is 34. Mr. Michael confirmed that the trails will be asphalt and not wood chip.

Mr. Michaels stated that he was not aware that there was a distinction of non-useable or useable wetlands. Treasurer Carcone asked if the usable wetlands were being counted in the open space calculations. Mr. Doozan stated that there is not enough information yet to calculate the density and he thought another meeting with the applicant would be beneficial to iron out some of the concerns.

Mr. Doozan recommended that the Board send this application back to the Planning Commission for a conceptual review due to the changes that were done.

Steve Emsley, 51824 8 Mile – Mr. Emsley explained that he gets an odd feeling when everyone talks about this consortium of developers that want to work together. He is concerned that if one of these plans is bad then they will say that they can't complete the loop. He is concerned especially with the Devonshire project. He is concerned with the wetland issues.

B. Devonshire PD Conceptual Review; AP-14-56

- No action was taken on the Devonshire PD Conceptual Review

C. Shadow Wood Planned Development – Conceptual Plan Review; AP-14-57

- No action was taken on the Shadow Wood PD Conceptual Review

D. Liquor License Application for Hudson Café

Ms. Elowsky explained that a policy needs to be established. In the past the practice has been to save the quota licenses for the class C as opposed to the tavern license. She needs to know if that is the direction the Board would like to go and hold the quota licenses for a bigger use.

Trustee O'Neil asked if there was an issuance problem regarding the location of an elementary school. Mr. Calcaterra explained that when they did calculations they came up with 530 feet which is more than the required 500' from a school. He stated that the State will also measure the distance from the Café to the school. He stated it is not clear if the policy affects a café or a liquor store. He stated that they share the Boards concern but they are a café that serves breakfast and lunch and they will serve beer and wine, alcohol would not be the only thing being served.

Mr. Doozan reviewed the McKenna Associates memo dated 12/29/14 he explained that this would be a good use for the New Hudson area.

Treasurer Carcone agreed with Trustee O'Neil regarding the location of the school but felt that it didn't make sense to hold onto a liquor license if all of the criteria can be met. She felt this would be a great use for the area. Trustee Dolan agreed.

Motion by Carcone, second by Cash

To approve the Hudson Café liquor license application if they can meet State qualifications for distance within 500 feet of a church or school building.

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

MOTION APPROVED

E. Lyon WWTP 1 SBR Expansion Contract Award Recommendation

Mr. Mayer from Giffels Webster explained that 7 bids were received. RCL Construction Company was the lowest bidder. He recommended that the Lyon Township WWTP 1 SBR Expansion construction contract be awarded to RCL Construction Co., Inc. in the amount of \$4,328,000. The contract award should be contingent upon financing being in place and obtaining the required permits.

In order to be compliant with the DCA he suggested that the Township Board authorize the Township Supervisor to negotiate an interim agreement that does not put undue risk on Owner or Contractor, which allows Contractor to perform specific portions of the work that will allow the contractor to complete the project on schedule. The work items may include preparation of a project schedule, shop drawing preparation/submittals, & purchase orders for critical materials such as steel reinforcing. The interim agreement

shall not exceed \$50,000.

Mr. Mayer also explained that after receiving the bids, the original project cost projections are still accurate.

Mr. Mayer confirmed that in 5 to 8 years the system may be at capacity again. Trustee Dolan commented that before the loan is even paid off they will be looking at another expansion. Various options for another expansion were briefly discussed. Trustee Adams asked if they are obligated to pay over runs. Mr. Mayer stated that the bids were all in a tight range and every change order will be reviewed. Mr. Mayer stated that he will continue to provide an update in the Board packet.

Mr. Mayer explained that the equipment is sized for the SBR and the next expansion should be a less costly expense.

Motion by Carcone, support by Dolan

To approve the Waste Water Treatment Plant SBR at a cost of \$4,328,000 for RCL Construction contingent on financing and permitting.

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

MOTION APPROVED

Motion by Carcone, support by O'Neil

To approve \$50,000 to allow RCL Construction Company to work on items that are necessary for preliminary construction with the cost not to exceed \$50,000 as a part of the original contract and will be deducted from the \$4,328,000.

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

MOTION APPROVED

F. Amendment to the Property Maintenance Code Ordinance; Ord. 01-15

Ms. Elowsky explained that this amendment is just an update to the 2012 Property Maintenance Code.

Motion by Cash, second by O'Neil

To adopt first reading of Ordinance 01-15 known as Amendment to the Property Maintenance Code Ordinance.

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

MOTION APPROVED

G. Design and Construction Standards Ordinance Amendments; Ord. 02-15 Amendment to the Planning Engineering Design Standards and Ord. 03-15 Amendment to the Design and Construction Standards

Ms. Elowsky explained that these are also housekeeping items.

Motion by Cash, second by Adams

To approve first reading of Ordinance 02-15 Amendment to the Planning Engineering Design Standards amending Chapter 34.

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

MOTION APPROVED

Motion by Cash, second by Adams

To approve first reading of Ordinance 03-15 Amendment to the Design and Construction Standards amending Chapter 15.

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

MOTION APPROVED

H. Resolution 2015-01 Adopting an Amended Utility Fees Schedule

Ms. Zawada explained the increase for adopting the amended utility fees schedule and the increase to the quarterly charge for the sewer system based on the rate study which was a recommendation from the Administration Team. The first increase is a requirement in the contract with Lyon Wastewater. The second increase is for the quarterly charge for the sewer system is based on a rate study that was completed.

Trustee Dolan commented that he felt the fees are too high already. There was agreement among the Board members not to ask for the increase of the quarterly charge for the sewer system based on the rate study.

Motion by Cash, support by Carcone

To adopt Resolution No. 2015-01 Adopting an Amended Utility Fee Schedule increasing the REU Capital Charge to \$12,864.00 with no change to usage rates for 2015.

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

MOTION APPROVED

I. Resolution 2015-02 Establishing Fire Department Emergency Service Cost Recovery Fees

Chief Van Sparrentak explained that it is in the best interest of the Township to establish the basis and method for the Township to recover costs for the use of equipment, personnel and supplies associated with fire, rescue and other emergency services provided by the Township, and to recover costs incurred from response to incidents involving hazardous materials.

**Motion by Cash, second by O'Neil
To approve Resolution 2015-02 establishing Fire Department Emergency Service Cost Recovery Fees.**

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

MOTION APPROVED

J. Salary Resolutions for 2015

**Motion by O'Neil, second by Dolan
To adopt Resolution 2015-03 to establish salary of Township Clerk.**

Trustee Adams suggested waiting until the salary study was completed. There was brief discussion regarding the salary study.

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

MOTION APPROVED

**Motion by O'Neil, second by Dolan
To adopt Resolution 2015-04 to establish salary of Township Treasurer.**

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

MOTION APPROVED

**Motion by O'Neil, second by Dolan
To adopt Resolution 2015-05 to establish salary of Township Supervisor.**

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

MOTION APPROVED

**Motion by O'Neil, second by Cash
To adopt Resolution 2015-06 to establish salary of Township Trustees.**

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

MOTION APPROVED

K. Resolution 2015-07 to Adopt the Poverty Guidelines for the Board of Review for 2015

Clerk Cash explained the Poverty Guidelines.

**Motion by Cash, second by Dolan
To adopt Resolution 2015-07 the Poverty Guidelines relative to the review and granting of poverty exemptions by the Lyon Township Board of Review for 2015.**

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

MOTION APPROVED

L. Resolution to Issue Tax-Exempt Bonds to Finance Improvements to Waste Water Treatment Plant

Treasurer Carcone briefly explained the resolution.

**Motion by Carcone, second by Dolan
To approve Resolution 2015-08 to issue tax-exempt bonds to finance the acquisition and construction for the improvements to the waste water treatment plant not to exceed 6 million dollars.**

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

MOTION APPROVED

ADJOURNMENT

**Motion by Carcone, second by O'Neil
To adjourn the meeting at 9:10 p.m.**

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

MOTION APPROVED

The Board of Trustees meeting was adjourned at 9:09 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash

Michele Cash
Lyon Township Clerk