

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
March 2, 2015

Approved: **APRIL 6, 2015**

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: 21

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

Supervisor Young excused the absence of Treasurer Carcone.

APPROVAL OF CONSENT AGENDA

Approval of Regular Meeting Minutes of February 2, 2015
Approval of Disbursements
Building Department Report for January 2015
Engineering Report March 2015
Fire Department Reports for January 2015
Sheriff's Report Jan-Dec 2014

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

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Clerk Cash announced that there will be an election held on Tuesday, May 5, 2015. There will be two items on the ballot, Proposal 15-1 to amend the State Constitution to increase the sales/use tax from 6% to 7% and a South Lyon Community School Bonding Proposal and for our voters in the Northville Public School District will vote on a Millage Renewal Proposal. If anyone is interested in working the election please contact the Clerk's office.

Trustee Hicks reported on this day 90 years ago the Federal Highway numbering system was implemented. Also, 82 years ago the original King Kong movie was released. He announced that Deputy Chief Doug Berry received a commendation from the City of South Lyon for their help in putting out a fire at Colonial Acres.

CALL TO THE PUBLIC

Jim Hamilton, 24200 Martindale – Mr. Hamilton questioned the compensation study and asked if there was a copy for the public to review. Supervisor Young explained that there will be a special meeting on Thursday, March 26, 2015 to review the information and the information will be available for the public.

REPORTS

DDA – Ms. Archer reported that Brian Wallace has resigned from the DDA. The DDA will be looking to make a recommendation for a replacement. Also, Giffels Webster reviewed the DDA drain district and the need for cleaning and expanding the drains. The DDA is exploring pathway grants. The Economic Restructuring Committee has completed work on a tax abatement project. MDOT has awarded the Economic Development Road Grant for the South Hill Project with a completion date of fall 2015.

Fire Chief – Deputy Chief Berry reported that they are continuing to work on the specs for a new rescue. They are doing some regional training that began in January and it will wrap up in April.

Sheriff – Sargent Venus gave a brief update regarding the extra person that has been added to the dispatch area and stated it has been a tremendous help. Trustee O'Neil explained that he has also heard from residents that they have seen a larger presence in and around the schools and they have all appreciated that.

Planning Commission – No report, Treasurer Carcone was absent.

ZBA – None, there was no meeting held.

Park Advisory Board – Trustee Hicks reported that they are moving the disc golf course forward for Administration Board approval.

APPROVAL OF AGENDA

Supervisor Young added Park Advisory Committee Appointment and moved item N to the top of the agenda as item AA.

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

Voice Vote: Ayes: Unanimous
 Nays: None

MOTION APPROVED

UNFINISHED BUSINESS

A. Second Reading Stoneleigh East Final Planned Development; AP-14-33

Mr. Doozan explained that they have gone back and forth on the hours of operation and he confirmed that the hours are 8:00 p.m. – 7:00 a.m. which are the prohibited hours of operation. Other than that change the plans are the same.

**Motion by Hicks, second by O’Neil
To approve the Second Reading Stoneleigh East Final Planned Development, AP-14-33 with the change of prohibited hours of operation as 8:00 p.m. – 7:00 a.m.**

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

MOTION APPROVED

NEW BUSINESS

A. Resolution 2015-10 Oxford Kids Foundation for Charitable Gaming License

Representing Oxford Kids Foundation: Dr. Tami Powell

Dr. Powell explained that the foundation is made up of volunteers. They donate money to children in the State of Michigan that have special needs so they have access to health care and therapy that is not covered under insurance. They do an annual gala to raise money. They were able to get a 7 day cruise to raffle off as a fundraiser.

Dr. Powell gave a brief explanation regarding her company Oxford Hyperbaric Chamber.

**Motion by Cash, second by Adams
To adopt Resolution 2015-10 Oxford Kids Foundation for Charitable Gaming License.**

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

MOTION APPROVED

AA. Cash Advance for L.E.O. (Festivals)

Supervisor Young explained that this is to place some seed money in order to get the festival up and running and then the festival will pay it back to the Township.

Mr. Chuck gave a brief explanation of the Lyon Event Organization and the request for some seed money and how that will be paid back when the event is over.

Ms. Elowsky recommended obtaining a Letter of Agreement between L.E.O. and the Township to basic terms.

Motion by O'Neil, second by Hicks

To approve a \$6000 advance subject to a letter of agreement being drafted between L.E.O and the Township, subject to the repayment of the cash advance by September 15, 2015.

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

MOTION APPROVED

B. War Dog Memorial Cemetery License for Use and Maintenance

Mr. Weitlauf briefly explained the plans that they have for the cemetery.

Supervisor Young explained that the license for Use and Maintenance is ready for approval.

Clerk Cash questioned the parking. Mr. Weitlauf explained that there is an area that they have been granted to use. They do have plans to try and come up with some kind of parking area, he understood the concern of parking on Milford Road and they don't want anyone to park there.

Sheriff Venus explained that if he knows about an event in advance, he can make sure there is some police assistance available.

Ms. Zawada explained that Lombardo's plan for Crystal Creek includes a parking lot for the dog cemetery.

Motion by Hicks, second by O'Neil

To execute the agreement between the Township and the Michigan War Dog Memorial Organization.

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

MOTION APPROVED

C. GreenFields Development PD Size Waiver AP-15-03

Mr. Doozan reviewed the McKenna Associates memo dated February 21, 2015. He

explained that on 2/9/15 the Planning Commission reviewed this case and voted to recommend approval of the waiver. Based on the considerations cited in the McKenna Associates memo, and the Planning Commission's action, it was recommended to approve the waiver from the 40-acre minimum to allow this case to precede under the planned development regulations.

If this request is approved by the Township Board, the applicant will be required to follow the 3- step planned development review process to obtain approval, at which time the Planning Commission and Board will have the opportunity to review density, layout, buffering, landscaping, and other pertinent issues.

Trustee Adams stated that they don't need any more homes on the Ten Mile Corridor. He is very concerned with the traffic amounts on Ten Mile Road. Supervisor Young explained that this is a more empty nester type product which is needed in the area. Trustee O'Neil stated he was not too concerned with the waiver, traffic is a big issue, but it sounds like there will be more than one access into the development.

**Motion by Hicks, second by O'Neil
To grant the PD size waiver for GreenFields Development for AP-15-03 for less than 40 acres,**

**Voice Vote: Ayes: 5
Nays: 1**

MOTION APPROVED

D. Consider Waiver from Current Sewer Ordinance for Rustic Pines Townhomes

Supervisor Young explained that Mr. Dillman wrote a letter that addressed the situation where there were 3 buildings and one had burned down. Mr. Dillman is requesting to rebuild in place of the one which burned down. He is asking for the Board to grant them a waiver from the current sewer ordinance, to allow them to utilize the existing sewer infrastructure that is onsite in the construction of the new building. He believes the new building would be approximately 180 feet from the sewer line which runs along Martindale Road.

Supervisor Young agreed that having another 4-unit building on the site would be a benefit to the Township. Ms. Zawada had no issues.

Trustee Adams felt that they should connect to the sewer when they are only 40 yards away. He questioned why they should even consider septic tanks when eventually they will need to hook up to the sewers eventually.

Trustee O'Neil felt that if this was a new structure then he would not support it, but felt that there is a fully functioning system in the ground that will suffice since the original building burned down. To get a new build and have quality rental housing in the area that is already being used as such strikes a balance. He felt the request was reasonable.

Motion by O'Neil, second by Dolan

To approve the waiver from the current Sewer Ordinance for Rustic Pines Townhomes subject to the owner providing verification to the Township and Oakland County Health Department that the existing septic system and septic field is adequate and functional.

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

MOTION APPROVED

E. Orchards of Lyon Municipal Street Lighting Agreement

Supervisor Young explained that Pulte Land Company has requested to have DTE Community Lighting install and maintain street lights within Pinehurst and Orchards of Lyon II Developments. DTE will only enter into community lighting agreements with the local municipality therefore, to further consider this request, the following documents need to be reviewed and acted upon by the Township Board:

1. Master Agreement
2. Exhibit A, Purchase Agreement
3. Municipal Street Lighting Reimbursement Agreement

Motion by Cash, support by Hicks

To approve the Municipal Street Lighting Reimbursement Agreement with Pulte Land Company, LLC and Orchards of Lyon II Condominium.

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

MOTION APPROVED

F. Pinehurst Municipal Street Lighting Agreement

Supervisor Young explained that this is identical to the previous item except with different language due to how the association is set up.

Motion by Cash, second by Adams

To approve the Municipal Street Lighting Reimbursement Agreement with Pulte Land Company, LLC and Pinehurst Acres Condominium Association.

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

MOTION APPROVED

G. Fire Dispatch Service Agreement between County of Oakland & Charter Twp. Of Lyon

Deputy Chief Berry explained that this is the automatic renewal.

Supervisor Young expressed concerns regarding the rate increase. He asked if the increase is due to the volume. Deputy Berry stated that they would need to check with the Chief regarding the increases.

Motion by Cash, second by O'Neil

To approve the Fire Dispatch Service Agreement between County of Oakland and Charter Township of Lyon allowing the Supervisor and Fire Chief to negotiate rates and see if those rates can be improved.

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

MOTION APPROVED

H. Grant Application for Pathways

Ms. Zawada gave a presentation regarding the grant applications for pathways. Ms. Zawada explained the option to build the pathways along two routes one along Ten Mile Road that would connect to the Pinehurst path as well as connect to the commercial node at the northwest corner of Ten Mile and Milford. Also, along Eleven Mile there are two gaps on acreage properties on the north side of Eleven Mile on the perimeter of the Heights of Elkow.

After discussion the Board decided that obtaining these pathways would be a benefit to the community in the locations that were presented.

Motion by O'Neil, support by Cash

To authorize McKenna Associates and CES to move forward with the grant application for the pathway along Ten Mile and Eleven Mile Road subject to the previously approved grant application agreement between these entities and the Township for pursuing pathway grants for a TAP Grant.

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

MOTION APPROVED

I. Resolution to Leave WOCCA

Supervisor Young explained that the rules were changed slightly and the Board needs to consider if there is a benefit of being a part of the consortium.

There was discussion regarding televising the Board meetings. There were mixed

feelings about televising them. There was some discussion regarding buying video equipment and taping the meetings and placing that on the Township's website.

Robin Allen, 28550 Tindale Trl. - He agreed that transparency would be a benefit and he thought a lot of residents can't make the meetings and taping it would be the best way to get the information out to the people. He felt it was long overdue given the growing population.

Phil Mitchell, 27541 T F Hicks Ct. – He asked that the Board consider taping, it would be a documented meeting and with some issues that get controversial this would offer another tool to have an active process.

Rich Miller, 27437 Pond Drive – He brought this proposal years ago and he stated that he could make this happen and put it on the website, he commented that they should move it along, we are in the 21st century.

Robin Allen, 28550 Tindale Trl. – He questioned if the broadcast is played over the internet, if that broadcast can be edited? Supervisor Young stated no, it would not be edited.

The Board decided that they would continue to contemplate about videotaping the Township meetings.

**Motion by Adams, second by Dolan
To table the request to leave WOCCA until the next Board meeting in April.**

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

MOTION APPROVED

J. Define Scope of Work for Building Dept. Addition

Ms. Zawada referenced the CES memo dated February 20, 2015. She explained that the proposal is to complete topographic survey of the existing building and proposed expansion area to the east, complete the engineering plans for grading and paving, complete the soil erosion plans and permit application. The CES fee to complete this scope of work is a lump sum of \$1,040.00.

Supervisor Young reviewed the proposed plans. The consensus of the Board was to move forward with the scope of work for the Building Department addition.

**Motion by O'Neil, second by Cash
To approve the CES fee of \$1040.00 as presented in the CES memo dated 2/20/15.**

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

MOTION APPROVED

K. Section 36 Utilities Memorandum of Understanding

Ms. Zawada explained that it has been a few years where they have been meeting with numerous developers that are interested in extending utilities in Section 36. They have been very direct that the Township would not support a special assessment district on vacant land and that if they were interested in extending utilities then the developers would have to work together to extend the utilities. This memorandum of understanding is a team of 5 different developers that are going to participate in a cost sharing agreement between them to extend public water and sanitary sewer. The Township would need to obtain easements, if needed. Ms. Zawada explained that this is a very low risk for the Township.

Mr. Cousino, Lombardo Homes, explained that this is an agreement and they felt it was necessary to be on the same page with the Township. Everything would be done at the developer's expense and they feel it is a good project and are ready to move forward with it.

Motion by Cash, second by Dolan

To approve the Memorandum of Understanding Section 36 Utility Extension that the consultants can include the revisions and there is no guarantee for PD approval from the Township. Supervisor Young is authorized to sign for the Township when that is completed.

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

MOTION APPROVED

L. Huron Valley Ambulance Contract Discussion

Deputy Chief Berry explained that the LTFD contract with HVA expires on June 30, 2015. To avoid automatic renewal for successive one year periods, they need to provide not less than ninety days advance written notice of the intent to terminate at the expiration of the contract.

The intent is to provide written notice in order to renegotiate terms.

Motion by O'Neil, second by Hicks

To provide written notice to HVA by March 30, 2015 that we intend to terminate the existing contract in order to renegotiate a new contract and allow Chief Van Sparrentak to provide notification.

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

MOTION APPROVED

M. Sewer Expansion Bond Resolution Discussion

Supervisor Young explained that the Board will need to determine the amount of money they wish to borrow for the Waste Water Treatment Plant expansion so that the Bond Council can draft the Bond Resolution. There was discussion regarding the amount to borrow.

Mr. Crandall from Giffels Webster reviewed the Giffels Webster memo dated February 20, 2015 with the following summary of improvement projects:

Alternative #1 Total cost – odor control, bar screen, an aluminum cover: \$635,000

Alternative #2 Total cost – odor control, bar screen and concrete cover: \$575,400

**Motion by Cash, second by Hicks
To approve a \$4 million dollar bond amount.**

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

MOTION APPROVED

N. Tax Abatement Guidelines

Ms. Archer explained that the DDA recommends that the Board adopt the Tax Abatement Guidelines.

Supervisor Young explained that they have discussed tax abatement programs in the past and this will allow for competition. There are two items that will be on the special Board meeting agenda at the end of the month.

**Motion by Dolan, second by Adams
To approve the Charter Township of Lyon P.A. 198 Industrial Facilities Tax Exemption Tax Abatement Guidelines.**

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

MOTION APPROVED

O. Alternate to the Board of Review

**Motion by Young, second by Hicks
To nominate Mike Barber as the second alternate to the Board of Review.**

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

MOTION APPROVED

P. Park Advisory Committee

**Motion by Young, second by Hicks
To nominate Sean Morgan to the Park Advisory Committee.**

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

MOTION APPROVED

ADJOURNMENT

**Motion by Cash, second by O'Neil
To adjourn the regular meeting at 10:41 p.m. and move into closed session.**

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

MOTION APPROVED

The Board of Trustees meeting was adjourned at 10:41 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash

Michele Cash
Township Clerk