

Charter Township of Lyon  
Board of Trustees  
Regular Meeting Minutes  
April 6, 2015

Approved: May 6, 2015

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

Roll Call: Patricia Carcone  
Michele Cash  
John Dolan  
John Hicks  
Lannie Young

Absent: Sean O'Neil  
Steven Adams

Guests: 16

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

Supervisor Young explained Trustee O'Neil is on vacation and Trustee Adams is ill and both absences are excused.

**APPROVAL OF CONSENT AGENDA**

Approval of Regular Meeting Minutes of March 2, 2015

Approval of Special Board Minutes of March 26, 2015

Approval of Disbursements

Building Department Report for February 2015

Fire Department Reports for February 2015

Zoning Reports February 2015 and March 2015

Ashley Lyon, LLC Vacation of the Agreement for the Transfer of Private Water Main to the Charter Twp. of Lyon and the Grant of Permanent Water Main Easement to the Charter Twp. of Lyon

Ashley Lyon, LLC Vacation of Permanent Sewer Easement

Ashley Lyon, LLC Vacation of Permanent Water Main Easement

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

**Roll Call Vote: Ayes: Carcone, Hicks, Cash, Young, Dolan  
Nays: None**

**MOTION APPROVED**

## **ANNOUNCEMENTS AND COMMUNICATIONS**

Treasurer Carcone reported that the tax roll was settled to the penny. She explained last year 32 million dollars were collected in taxes and this year with the fire millage and the police millage not quite 2 million dollars were added, and the taxable value went up an additional 1.5 million dollars.

Trustee Hicks reported that today in 1912 the first electric starter was put on cars and in 1930 James Dewar invented the Hostess Twinkie.

Mr. Nick Kennedy introduced himself as the district representative for Congressman Dave Trott. He congratulated the township on receiving a perfect fiscal score from SEMCOG. He commented that Congressman Trott has always been interested in seeing what's happening in the township and he is also interested. Supervisor Young explained that the Congressman called him and reported that the township was in the top eight of the 422 counties to reach this perfect score.

Trustee Hicks stated that they owe a lot to the Supervisor, Treasurer and Clerk with their hard work to make that perfect score happen.

## **CALL TO THE PUBLIC**

**John Bell, 23113 Currie Road** – He reminded everyone of the display of historical pictures in the Township Hall and the addition of the Model B24 airplane that won World War II for the United States. There is a brochure available that gives an account of each picture.

## **REPORTS**

**DDA** – Ms. Archer reported they are moving forward on the Cross Roads project and looking to get the owner going on the façade improvement. They are also moving forward with the café in that building. It is a significant improvement for the owner. The DDA approved a new lease in the Costello Building.

**Fire Chief** – Fire Marshall Collick reported that during the week of March 23 they hosted the all Hazards IMT Course with 30 regional members that attended. On 3/27 the Montanez family visited the station and it was a good experience for all. They also assisted Salem Township with a large field fire in March.

**Sherriff** – None

**Planning Commission** – None

**ZBA** – None, there was no meeting.

**Park Advisory Board** – Trustee Hicks reported that they discussed rental fees and voted on names for the pavilions. The Board recommended Lyon's Den as the name for the new disc golf course. There will be 3 events for LEO with the Kite Festival in June the Summer Fun Fest in July and the International Ethnic Festival in August.

## **APPROVAL OF AGENDA**

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

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

**MOTION APPROVED**

**UNFINISHED BUISNESS**

**A.     Waste Water Treatment Plant Contract Award**

Mr. Crandall referenced his Giffels Webster memo dated April 6, 2015. Recommending that the Township award the contract prior to the bond sale it should limit the work to \$800,000 until the bond sale is closed. This should be sufficient to allow the contractor to proceed with the odor control system, all shop drawings, and preparation of the SBR Tank concrete pours.

**Motion by Carcone, second by Dolan  
To award the contract before the actual bond sale with the limit of \$800,000  
until the bond sale is closed.**

**Roll Call Vote:       Ayes: Dolan, Young, Cash, Hicks, Carcone  
                          Nays: None**

**MOTION APPROVED**

**B.     Resolution to Leave WOCCA**

Supervisor Young explained that they discussed this at the last Board meeting. He commented that if they look at the money that has been donated the Township is not a benefactor at this point. With the termination of this we can take those dollars and put them to good use here. We can't properly engage our audience here so the goal is to put up monitors and fully engage the audience that attends the meetings and eventually go on to the next step.

Trustee Dolan asked how long they have been involved in WOCCA. Mr. Mike Buck stated 30 years. The main benefit is the two government channels. It is only available for Comcast subscribers only.

**Motion by Hicks, second by Cash  
To adopt Resolution 2015-14 terminating WOCCA Membership.**

**Roll Call Vote:       Ayes: Cash, Hicks, Carcone, Dolan, Young  
                          Nays: None**

**MOTION APPROVED**

**C. Sanitary Sewer Manhole Repairs**

Ms. Zawada referenced the CES memo dated March 3, 2015. Out of the 500 man holes they found have necessary repairs and with an estimate of \$260,000. She went back to the contractor and gave him the estimates. The contractor adjusted the prices and offered a bid of \$236,570 if they want to move forward with the work. The contractor is available to complete the work this year. There is still more to be inspected and cataloged. She explained that the repairs include leaking joints, structure adjustments, corrosion due to hydrogen-sulfide damage and broken or missing steps.

Ms. Zawada explained that she would like to revise the Engineering Standards to include coating the manholes especially in the forced main areas.

Ms. Zawada agreed that they would do inspections to make sure the work is completed.

Trustee Dolan stated that he would rather inspect the remainder and categorize those and repair the ones that are in the worst damage.

**Motion by Carcone, second by Cash**

**To approve the sanitary sewer repairs as stated in the CES memo not to exceed \$236,000.00, with the work activity with items 1, 2 and 3. Including spot inspections by CES or Highland Treatment and report back with the other half of the man hole inspections.**

**Roll Call Vote: Ayes: Young, Cash, Dolan, Hicks, Carcone  
Nays: None**

**MOTION APPROVED**

**D. Second Reading Amendment Regarding Brewpub & Microbrewery Regulations**

Mr. Doozan gave a brief review regarding the amendment.

**Motion by Hicks, second by Cash**

**To adopt Ordinance 04-15 amendment regarding Brewpubs and Microbrewery.**

**Roll Call Vote: Ayes: Hicks, Carcone, Dolan, Young, Cash  
Nays: None**

**MOTION APPROVED**

## **NEW BUSINESS**

### **A. Crystal Creek South – Elkow Farms PD Amendment AP-14-20**

Mr. Doozan reviewed the McKenna Associates memo dated March 11, 2015 with the following conditions:

1. Modifications to the front and perimeter setback requirements shall be permitted as described in the CES memo.
2. The landscape plans must be modified as noted.
3. Typical façade elevations must be provided.
4. Township Engineer and Township Attorney final approval shall be required.
5. The revised Planned Development Agreement shall note that five replacement trees are required on each of the following units, as noted in item E on page 4 of the CES memo, unites 29 through 39.
6. The revised Planned Development Agreement and condominium master deed shall note the constraints that will exist on lots 18, 33, 36, 39, 49 and 51, due to the wetland setback regulations in Section 36.02, footnote f, of the Zoning Ordinance.
7. An easement shall be provided across the east side of the property to provide for future construction of a north-south bike path.

Ms. Zawada referenced the CES memo dated March 30, 2015. She explained that she met with the Drain office and they feel that this development will help the flooding on the east side of Milford Road and restrict the water going through the culvert. The items will be submitted when the engineering plans are submitted.

Greg Windingland commented that they have done a good job working together including the Hidden Timbers residents. He commented that Edison does a blanket easement and he thought that may work for the future pathway. He met with Phil Weitlauf from the War Dog Memorial and they are excited to be helping. The drainage complaints were addressed and as far as Mr. Doozan's comment about the residents getting the Master Deed and Bylaws the homeowners get the documents on a flash drive and if there is something unique pertaining to their property then they are required to sign something acknowledging that they were made aware of that portion.

Treasurer Carcone explained that there were residents at the PC meeting and they mostly wanted the bike trail. The residents were assured that they would continue to work to get that trail.

Shirley Baker – Ms. Baker asked how many cars will be able to park. Mr. Windingland stated eight spaces. She felt that more parking spots were needed.

Trustee Dolan thanked the applicant for their hard work in working with Hidden Timbers. He is very pleased with that effort.

**Motion by Cash, second by Hicks**

**To approve the Crystal Creek South – Elkow Farms PD Amendment AP-14-20, the revised Preliminary plan to include the McKenna Associates memo dated 3/11/15 and the CES memo dated 3/30/15.**

**Voice Vote: Ayes: Unanimous**

**Nays: None**

**MOTION APPROVED**

**B. Teresita Mexican Grill Liquor License Application**

Ms. Archer explained that the applicant is requesting approval to serve liquor in the New Hudson Pharmacy Plaza. The restaurant will occupy 2000 sq. ft. the proposed restaurant is located in the core area of the New Hudson Zoning District and it is a principal permitted use. The applicant is the owner of Rudy's Pancake House in Walled Lake. They also operated the second location of that restaurant in New Hudson but it closed in January 2015. It is at the same location that they are looking to reopen as a Mexican style restaurant. The DDA considered this to be a nice addition to the downtown area and would it would add variety to the mix of restaurants in the area. An area of concern is the length of the lease a 2 year extension from the lease that has expired does not seem long enough. At this time this is the last available license and DDA would prefer a long term commitment from the business owner.

Beatriz De Anda, Owner, introduced herself to the Board.

Mr. Sheng explained that the applicant has signed renewal for 2 years. They are fine with a restriction being on the license. Renovations have exceeded the minor cap and their landlord has been very amenable to get this verification of the renewal. It really is a significant achievement and authentic Mexican food. It is competitive to the larger facilities and authentic, unique and a niche.

Ms. De Anda confirmed that the hours of operation will be 11:00 a.m. -9:00 p.m., she explained that if the demand is there then the hours can go later. Mr. Sheng stated that they weren't sure if the Township wanted to encourage a later hours or not.

Supervisor Young explained that one of the challenges is the Township gets liquor licenses based on population. Currently, they have one liquor license available. And the township is looking for restaurants that may need a liquor license and they have to consider that. He explained that they are considering holding a mid-term census as well. He questioned how important is it that the restaurant starts with a liquor license?

Mr. Sheng stated that the square footage is rather small and they would have to have more diners, they don't want to raise prices and alcohol would drive up the tab. He explained that the applicant is amenable and they would agree that if the business is flagging they would let the liquor license revert back to the township.

After discussion, some Board members were very reluctant to grant the liquor license with only a two year lease and they felt that a liquor license could be a leverage point for new incoming businesses that are investing in property and owning a building. Supervisor Young explained with the reversion policy in place he felt it would be ok, but it's a tough situation.

**Motion by Cash, second by Carcone**

**To deny the local governmental resolution for the reason that the applicant has failed to meet the criteria of the liquor license ordinance.**

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

**MOTION APPROVED**

**C.     Resolution 2015-15 Amending Local Limits**

Ms. Zawada explained that this change will help assist the industrial user as well as new applicants. Also, the program procedures will be revised to include inspection procedures with random inspections done once per year.

**Motion by Cash, second by Hicks**

**To adopt Resolution 2015-15 Amending The Industrial Pre-Treatment program.**

**Roll Call Vote:       Ayes: Hicks, Cash, Dolan, Carcone, Young  
                              Nays: None**

**MOTION APPROVED**

**D.     CH. 46 Proposed Ordinance Amendments and Local Limit Amendments**

**Motion by Cash, second by Hicks**

**To approve the first reading and move into second reading Ordinance 05-15 known as local limits amendment.**

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

**MOTION APPROVED**

**E.     Microbrewery License Approval for Draught Horse Brewery**

Ms. Archer reviewed her memo dated April 6, 2015 and explained that the DDA does not object to the approval of a Micro Brewer license or a Small Wine Maker license for this use and recommends board approval with the following conditions:

1. The applicant, in accordance with MCL Administrative rules R 436.1003, R 436.1005(3) and R 436.1702, must comply with all state and local building, plumbing, zonings, sanitation, health laws and rules and ordinances.
2. The applicant must comply with the township Industrial Pre-treatment Program (IPP) which they have applied to and must implement based on requirements set forth by the township engineer.

Ms. Zawada explained that the application is acceptable. They are waiting to verify plumbing but she thought they would receive a limit that they can use.

Supervisor Young explained that the addition of the wine making aspect, if approved for wine making, is it permissible in this zoning district? The applicant stated that they thought they would do no more than 20 gallons of wine per year.

Mr. Doozan stated that they can put an estimate of what they will be producing on the site plan.

**Motion by Cash, second by Hicks**

**To approve the Local Governmental Approval Form Application for Draught Horse Brewery for the new microbrewery license and the new small wine making license.**

**Roll Call Vote:       Ayes: Young, Carcone, Hicks, Cash, Dolan  
                              Nays: None**

**MOTION APPROVED**

**F.     Road Closure Resolution 2015-16 for Lyon Events Organization Festivals for 2015**

Ms. Archer explained The Lyon Events Organization will produce their 7<sup>th</sup> Annual Kite Fest on June 6-7 in the Atchison Memorial Park and the Lyon Township Summer Fun Fest on July 16 – July 19 and the annual Lyon Township International Ethnic Festival on August 14 – August 16, 2015 will be held on private property along Lyon Center Drive West between Milford Road and Grand River owned by the Kojaian Management Group.

**Motion by Cash, second by Hicks.**

**To adopt Resolution 2015-16 the Adoption and Authorizing Resolution for Lyon Events Organization to Execute the 2015 3<sup>rd</sup> Annual Summer Fun Fest Event and the 1<sup>st</sup> Annual International Ethnic Festival.**

**Roll Call Vote:       Ayes: Dolan, Young, Cash, Carcone, Hicks**

**Nays: None**

**MOTION APPROVED**

Ms. Archer explained that RCOC needs the applications to close the road for the before mentioned dates.

**Motion by Cash, second by Carcone**

**To approve the 1<sup>st</sup> Annual Lyon Township International Ethnic Festival on 8/14/15-8/16/15 and authorize Supervisor Young to sign the Permit Application.**

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

**MOTION APPROVED**

**Motion by Cash, second by Carcone**

**To approve the 3<sup>rd</sup> Annual Lyon Township Summer Fun Fest on 7/16/15 - 7/19/15 and authorize Supervisor Young to sign the Permit Application.**

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

**MOTION APPROVED**

**G.     **Consideration of Name for the Lyon Township Disc Golf Course****

Ms. Archer explained at the February 26, 2015 meeting of the Parks and Recreation Advisory Board the results were shared regarding the naming of the new Disc Golf Course. Nine names were proposed and four stood out. The Lyon's Den is the most popular. At the March 10, 2015 meeting and the DDA made the same recommendation.

**Motion by Hicks, second by Carcone**

**To approve the name "The Lyon's Den" for the Lyon Township Disc Golf Course.**

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

**MOTION APPROVED**

**H.     **Discussion of Mowing Contract Renewal****

Supervisor Young explained that he would like to support going forward and approving the contract for another year extension, they have done a great job. Clerk Cash stated that she has had no problem with them at the cemeteries. He would like to see if he can get a two year extension for the same money.

**Motion by Cash, second by Carcone**

**To approve a one year extension on the existing contract with the option to enter into a 2<sup>nd</sup> year contract if both parties agree.**

**Roll Call Vote: Ayes: Hicks, Cash, Carcone, Dolan, Young  
Nays: None**

**MOTION APPROVED**

**I. Discussion and Action on the Lyon Wastewater Arbitration Award**

Mr. Quinn provided the Board with an update regarding the Arbitration Award. Supervisor Young stated that the Sewer Enterprise Fund is healthy enough to make the lump sum payment. Treasurer Carcone agreed. Mr. Quinn stated that the check should be issued to the attorney's trust account and jointly to Lyon Wastewater LLC. Supervisor Young and Treasurer Carcone also asked Mr. Quinn to obtain Lyon Wastewater's sign off on the number of REU's in the buyback bank before releasing the check to them.

**Motion by Cash, support by Carcone**

**To allow the Clerk to issue a check from the Sewer Enterprise Fund to satisfy the arbitration Award. The check should be issued to Matthew Novella's trust account and Lyon Wastewater LLC in the amount of \$1,097,295.00. The Township attorney shall secure an agreement with Lyon Wastewater as to the number of REU's in the buyback bank before delivering the check.**

**Roll Call Vote: Ayes: Young, Hicks, Dolan, Cash, Carcone  
Nays: None**

**MOTION APPROVED**

**J. Planning Department Fee Schedule Revision**

Mr. Doozan explained that the standard fee schedule that has been in existence for quite a while and the fee for reviewing condo docs has been absent. This section will now be added with a \$500.00 nonrefundable administration fee and an escrow fee of \$2,000.

**Motion by Hicks, second by Cash**

**To amend the Planning Department Fee Schedule to add the Condo Documents, Master Deed and Bylaws onto the fee schedule.**

**Roll Call Vote: Ayes: Carcone, Young, Cash, Hicks, Dolan  
Nays: None**

**MOTION APPROVED**

**K. Proposed Revision to the Tree Protection Ordinance**

Mr. Doozan stated that they are doing some fine tuning to the Tree Protection Ordinance. He reviewed the CES memo dated March 18, 2015.

With the recommendation that the proposed revisions, be adopted. As follows:

1. The amendments to Section 18-251(4) would clarify that trees removed for development of certain improvements are exempt from tree replacements. These improvements include building footprints, road rights-of-way, driveway and parking areas, septic fields, drainage and utility improvement areas.
2. The tables in Section 1-282(3) that outline the tree replacement rates would be amended as follows:
  - a. Within platted lots or condominiums units, no more than 5 replacement trees would be required per lot or unit, regardless of the total number of protected trees that are removed.
  - b. Outside of a platted or condominium unit, the maximum number of replacement trees would be based on the amount of disturbed land area.

**Motion by Cash, second by Hicks**

**To approve the proposed revision to the Tree Protection Ordinance first reading.**

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

**MOTION APPROVED**

**ADJOURNMENT**

**Motion by Carcone, second by Dolan**

**To adjourn the regular meeting at 9:21 p.m.**

**Voice Vote: Ayes: Unanimous**

**Nays:           None**

**MOTION APPROVED**

The Board of Trustees meeting was adjourned at 9:21 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary

*Michele Cash*

Michele Cash  
Lyon Township Clerk