

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
June 1, 2015

Approved: **July 6, 2015**

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

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

Guests: 45+

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

APPROVAL OF CONSENT AGENDA

Approval of Regular Meeting Minutes of May 6, 2015
Approval of Disbursements
Building Department Report for April 2015
Engineering Report June 2015
Fire Department Reports for April 2015
Zoning Reports May 2015
Acceptance of Bill of Sale for Residential Development Water main and Sanitary Sewer from MLS Holdings, LLC for the Enclaves of Lyon Condominium

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

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Recently appointed District Court Judge, David Law gave a brief introduction of his professional career and stated that he felt that things are moving in the right direction. He stressed that he is here for the people.

Supervisor Young explained that in 2010-2013 the Wellhead Protection Program was developed through a grant. The Wellhead Protection Program had several meetings and they decided that they would like to delineate the South Hill well area in the upcoming grant cycle.

CALL TO THE PUBLIC

Troy Creswell spoke on behalf of the Woodwind Village residents. He thanked the Board for getting them on the agenda and is thankful for the positive feedback. He thanked the developer as well. He explained that the growth the Township is facing is in the neighborhoods, every single person here is fighting for that. In 2011 revised plans were submitted by Mr. Healy and homes were built. He stated that they need to finish Woodwind and do right by the people. This will be good for the Township and the developers. We want it to be done and move on from this.

Supervisor Young explained that the update is on the agenda and he asked that the resident's give them the opportunity to provide that update.

REPORTS

DDA – Ms. Archer reported that there was a successful open house with Hirata Corporation on May 19. On May 22, 2015 the DDA hosted the Chamber Breakfast and celebrated the electrification of the pavilion in the park. The electricity is locked and turned off when not in use. Also, the Lyon Township Community Garden is open and the Lyon Township Library does have a seed program for anyone interested. The Kite Fest will be on June 6-7, Summerfest on 7/16-7/19 and 8/14-16 the International Ethnic Festival on 8/14-8/16/15. The first Color Run will also be held during the Summerfest.

Fire Chief – Chief Van Sparrentak reported that the contract negotiations continue with Huron Valley Ambulance. Next month he will be bringing forth the revised rules and regulations, the support operations plan and cost recovery proposal. The security system has begun with installation at both stations.

Sherriff – Sargent Venus reported that operation medicine cabinet has been successful and it is almost full. He reminded residents to remember to lock their car and keep their garages closed. A deputy did a stranger danger presentation at the Learning Experience and Camp 911 at the Fire Department will be held in the middle of June.

Planning Commission – Treasurer Carcone reported the New Hudson Methodist Church had a favorable review. Tanglewood/Greenbrier and Cummins Bridgeway had favorable reviews. On May 26 the dental office had a request for a special land use which was approved. Jimmy John's also had a favorable review. Henrob was asked to come back due to the design change to the building. 926 Associates was also approved.

ZBA – Trustee Hicks reported the sign variance for Hirata and the setback variance for the loading dock at the Jerry Baker location were approved.

Park Advisory Board – Trustee Hicks reported that they approved the pavilion registration agreement as presented. They would like to see the names for the pavilion that were approved by the Township Board rather than A, B and C. They discussed the possibility of an ice skating rink which can be used year round for a mere cost of \$39,000. Disc golf is moving forward, a quote was provided by Total Landscaping. A secure collection box is being constructed and it was assumed by unanimous vote that the money will be collected by the Treasurer.

Mr. Doozan explained the Township’s involvement with the school district and the City of South Lyon for the Safe Routes to School program regarding the schools in the vicinity of 9 Mile and Pontiac Trail. The grant funds will install sidewalks and traffic signals which will allow children to cross Pontiac Trail in a safe manner. It takes a few months to go through all of the steps with the assurance that they will get funds for those improvements.

APPROVAL OF AGENDA

Trustee Hicks added item K, Total Lawn Care to the agenda.

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

Voice Vote:	Ayes:	Unanimous
	Nays:	None

MOTION APPROVED

UNFINISHED BUSINESS

A. Woodwind Village Landscape Review

Supervisor Young gave an update regarding the memo dated May 12, 2015 from Mark Spencer

There was discussion regarding the current plantings and the substitutions that were suggested for plantings that would do better and thrive in the environment versus the original suggested plantings that have not done well. After meeting with an expert arborist, it was recommended to allow the existing plants to stay but have irrigation on the islands.

Supervisor Young explained that a building permit has been applied for Lot 43 and Lot 3 had a walk through with an offer. Mr. Healy is requesting to keep the model home for 3 months.

Mr. Creswell explained that lot 50/51 and behind lot 11 there are missing trees and plantings. In the open spaces the foundation contractor ran it over and then threw grass and hay over it and disregarded sod. Supervisor Young state that they can look at that.

Mr. Creswell stated that there were a lot of short cuts taken when the landscaping was done. A lot of the trees that are being debated were not planted the right way. If things are not put right then they will be right back where they are now.

Trustee Dolan stated if the plan was installed the way it was agreed to, then they wouldn't be here. The Township owes it to the residents. Put the plan in the way it was planned and make it right.

Mr. Healy explained that he was not the developer of Woodwind Village Phase II. He paid for the street signs, mailboxes, irrigation, seeding of open spaces and they were professionally done. If there are rough spots then most of the time it is caused by the homeowners. He never had a copy of these landscaping plans, but he agreed to go ahead and plant. The island never had a design; he hired someone to design it. He explained that the Sweet Gum trees and Pin Oaks don't do well and if they substituted it was for a reason. The other items in the letter Mr. Healy agreed to do.

Ms. Elowsky stated that the PD Agreement controls. The owners of the developments are both LLC's and they acquired the property through Deed not through tax sale, this was just a sale and it was the two LLC's that acquired the property. There is no Township responsibility for facilitating disputes between Mr. Healy and Mr. Soave. Mr. Healy stated that is true. Ms. Elowsky stated the Township would have no idea of what the responsibility of the LLC's is, that's between Mr. Healy and his partner(s).

Supervisor Young explained that the Board needed to debate if Mr. Healy can keep the model there for 3 months and the Board has to consider the substitutions and irrigations on the cul-de-sacs. Ms. Elowsky explained that she needs to see a letter of agreement with the terms reduced to writing.

Craig Howell, 54823 Glen Wood Court – He stated there is a lot of traffic on that property and there is no way to control the marketing for 3 homes, what does he need 3 months to keep the model home for.

Andrea Bibby, 54807 Brentwood – She stated in terms of the revision, consider that the applicant be required to submit an actual landscaping plan, professional landscaping plan provided to the board as opposed to a letter.

Trustee O'Neil stated until this is resolved there should be no building permit for lot 43. There needs to be a cost estimate and hold everything up until a bond is in place so the Township knows it will happen and there is some sort of financial guarantee. Irrigation needs to go in wherever it needs to go in. The model home needs to go away sooner than 90 days. He is uncomfortable making a decision without feedback from the residents regarding the substitutions; it needs to be as good or better.

Mr. Creswell stated that they should just approve the plan that was approved in 2011, issue no more permits and comply with this plan.

Ms. Elowsky stated that from a legal perspective the remedy is litigation if the residents want to stick with the plan and it will be a year or two before anything is done. The board is trying to negotiate a better plan than what the residents have. They have talked with arborists and they are working on it, unfortunately sticking to the original plan may not be the best plan. Everything will be reduced to a contract. She felt it would be in the residents' best interest to negotiate now.

Andrea Bibby, 54807 Brentwood – She stated if the sub is willing to look at revised landscape plan she asked for a revised landscape plan, require it instead of having it in writing. They want to see the location and sizes.

Treasurer Carcone stated that Mr. Healy has agreed to the exact plan except for the cul-de-sac irrigation but that they are trying to get substitutions for some of the trees that did not do well and get better trees that will thrive. She was in favor of having cul-de-sacs irrigated.

Trustee O'Neil stated that he was disappointed that Mr. Soave was not present.

Mario Diponio, 24473 Brompton Way – He questioned how they enforce this and why don't they have the ability to withhold permits from current developments. Ms. Elowsky explained.

Mr. Healy confirmed he is willing to plant the trees around the pond.

Andrea Bibby, 54807 Brentwood – She suggesting having an as built plan, a plan showing what was approved, and a plan showing what is being proposed.

Mark Hilfinger, 54405 Birchwood – He stated a promise was made and now it has to be dealt with. This has been going on, should just vote on it and be done with it.

Eugene Odowd, 24521 Brompton Way – He stated that Mr. Healy is asking for leniency on the model, give him a time limit, and cut it in half. Stop him, hold the doors closed.

Mr. Creswell questioned how far are they off with the plan? Let's just move forward and comply with the original plan and at the end of the day Mr. Healy is let off due to the expense. He asked that a motion be made to comply with the plan.

Motion by Hicks, second by O'Neil for discussion

For the model home to cease operation in two weeks from today unless significant movement is made on the landscaping to comply with original plan without any tree removal without the home owners compliance.

Trustee O'Neil questioned what would define significant. Ms. Elowsky stated that she is strongly recommending that all issues are reduced to writing.

Trustee Hicks withdrew his motion and Trustee O'Neil withdrew his support of the motion.

Steve Shroeder, 24319 Glenwood – He stated there is a spec house and a model home and a lot that is staked with permits that are applied for so they no longer need a model home.

Ms. Elowsky stated that the contract says otherwise and the remedy is court.

**Motion by O'Neil, second by Hicks for discussion
To withhold building permits on lot 43 until the landscaping is resolved and financial guarantees are obtained by the township to resolve outstanding landscaping issues.**

Mr. Healy agreed to sign an agreement and close the Model by August 1, 2015.

Trustee O'Neil withdrew his motion and Trustee Hicks withdrew his support

**Motion by Young, second by Cash
To sign an agreement, drafted by the attorney stating with Mr. Healy's signature and the Supervisors signature that the model will be closed down no later than August 1, 2015.**

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

MOTION FAILED

John Mazer, 24537 Glenwood Dr. – He suggested putting penalties on the agreement. He suggested stating in the letter that a percentage will be paid to the Homeowners Association for every home that is sold. This may be away to motivate or retroact it.

**Motion by Adams, second by Dolan for discussion
To approve the Original Landscape plan be put into effect as originally planned. With no shrubbery or trees removed presently over and above the original plan.**

Trustee Dolan asked if they can get a constituent for the subdivision, would they be happy to leave the plants that are there, take existing plan and draw in the plants that are to be added and make the plan fill in. Mr. Creswell stated none of us are landscape architects. There are trees that are struggling and if they come back to this March plan then they are making the residents live with the way it looks. Trustee Dolan questioned if they residents are willing to go through litigation.

Ms. Elowsky stated that the contract did not require performance guarantees as it would now because it was an older development.

Trustee Adams withdrew his motion and Trustee Dolan withdrew his support.

Motion by O'Neil, second by Cash

To give Mr. Healy until August 1, 2015 to close the model in Woodwinds Village 2, which he verbally agreed to at this meeting and to have a committee meet with Mr. Healy, the residents, Supervisor Young, Mr. Doozan, Ms. Elowsky and Treasurer Carcone to go through the synopsis and come up with a plan that can be brought back to the Board and be stamped approved and move forward. Also place this item on the Board agenda for July 6, 2015. The committee meeting should happen before the next board meeting. The May 26, 2015 synopsis is the starting point for discussion.

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

MOTION APPROVED

Supervisor Young called for a short recess at 9:25 p.m. The meeting was called back to order at 9:35 p.m.

B. Second Reading to the Zoning Ordinance 07-15 Concerning the New Hudson Zoning District.

Mr. Doozan explained that there are no changes from last month. These amendments are fine tuning the New Hudson Zoning District.

**Motion by O'Neil, second by Hicks
To adopt Ordinance 07-15.**

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

MOTION APPROVED

C. Second Reading to Consider Amendments to the Text of the Zoning Ordinance 08-15 Definition of Holidays

Mr. Doozan explained that there were no changes from last month.

**Motion by O'Neil, second by Cash
To adopt Ordinance 08-15.**

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

MOTION APPROVED

NEW BUSINESS

A. New Hudson Methodist Church – Parking Lot Addition; AP-15-22 Variance from Engineering Design Standards

Ms. Zawada explained that they applied for a site plan to do some parking lot improvements. The New Hudson area east of Milford Road does not have adequate storm water drainage. She recommended that the DDA study this area. Initially, there was a smaller retention basin, currently; it shows a very large retention basin that takes up almost all of their green space. To disturb all of this acreage does not make since. She suggested extending the pipe out to Grand River for future connection. Since that suggestion was made the applicant's engineer agreed to build the outlet sometime in the future. Ms. Zawada explained that she was not comfortable with "sometime in the future".

Mr. Enlow, 30773 Milford Road - explained that they are looking to build a 100 year pond that has everything flowing to it now and construct an outlet in the future when a storm pipe is available for outlet along Grand River. If the variance was granted they would dedicate the appropriate easement for the outlet so it can be built at a separate time.

Supervisor Young questioned why not put the pipe in now? Mr. Enlow stated it is a cost factor and the added maintenance of the pipe.

Mr. Roach stated that they were thinking about taking the future pipe down the east side of the property. In the future day where we may have a sanitary sewer that is the location where they would take a sanitary sewer to Grand River. They are still on a septic system at the church. He was not sure he understood the lien.

Trustee O'Neil explained that if the improvement is not made in an appropriate time frame it gives the Township the ability to do it and then put a lien on the property.

Mr. Enlow asked if there could be a provision if and when the storm sewer goes down Grand River it may be more cost effective for the church to be a part of that to have it constructed at the same time. Ms. Zawada stated that they may get a better deal going since they can negotiate privately.

Motion by O'Neil, second by Dolan

To approve the variance to the Engineering Design Standards subject to an agreement constructed by the Township Attorney and acceptable easements to construct the outlet at some point in the future.

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

MOTION APPROVED

B. Tanglewood Greenbrier – Minor Planned Development Amendment; AP-15-31

Mr. Doozan reviewed the McKenna Associates memo dated May 15, 2015. He explained in overall appearance and function the Greenbrier Planned Development proposed amendment will have little, if any, impact. It should be noted that the Township Engineer identified potential storm sewer conflicts as a result of this amendment, which will have to be resolved on the site engineering plans.

Motion by O'Neil, second by Adams

To approve the minor planned development AP-15-31 subject to the consultant comments.

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

MOTION APPROVED

Clerk Cash questioned the fence that has come down at the cemetery at Chubb and 9 Mile.

C. Discussion of Paving of Chubb Road

Ms. Zawada explained that they are acquiring easements for the pathway on Ten Mile east of Chubb. One of the property owners also owns property on Chubb and one of the residents questioned when Chubb would be paved.

Mr. O'Neil stated that they have a \$350,000 match specifically for this road and he felt that they should get the design going. The Board agreed to have Ms. Zawada come back with a cost estimate.

D. Agreement for I.T. Services between Oakland County and Lyon Township

Treasurer Carcone explained that they are not allowed to pay credit card fees. Oakland County devised a way to pay taxes using a credit card. She would like to have the opportunity to offer this service to our residents, for building permits, dog license and copier fees. Oakland County has devised another system to allow the Township to use credit cards with no fee to the Township or residents.

**Motion by Cash, second by Dolan
To authorize the Treasurer to sign the agreement for I.T. Services between
Oakland County and Lyon Township.**

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

MOTION APPROVED

E. Amendment to the Fire Prevention Code: First Reading Ordinance 09-15

Ms. Elowsky explained that this is an update of the International Fire Prevention Code.

**Motion by Cash, second by Hicks
To approve the first reading of the amendment to the Fire Prevention Code
Ordinance 09-15.**

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

MOTION APPROVED

F. Request Purchase Letter to Township Board for Rescue 1

Chief Van Sparrentak explained a committee was formed and numerous vendors presented. The committee decided on Lifeline Ambulance. This will allow them to have an ambulance at both stations. Rescue 1 is due to be replaced next year. There are over \$10,000 in repairs for Rescue One right now and he may be coming to the Board with this option. Chief explained that this is the first year of the millage so they don't have any money banked. He would like to finance it at less than 3% interest. This will allow them to take care of the apparatus needs and apply remaining funds to larger apparatus.

Treasurer Carcone explained an installment agreement is required no matter where the money is borrowed from. She explained that the money could be borrowed from the General Fund. The funds would be loaned to the Fire Department at a reduced interest rate of 2% and an installment purchase agreement would be in place.

Trustee O'Neil did not agree to loan money to the Fire Department and make money off of it by charging interest. After further deliberation Supervisor Young will verify through the auditor if that can be done.

**Motion by O'Neil, second by Adams
To approve the expenditure \$158,198 for the purchase of a new ambulance
from Lifeline per the May 21, 2015 memo from the Fire Chief.**

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

MOTION APPROVED

G. Consideration and Adoption of New Freedom of Information Act (FOIA) Procedures, Guidelines and Detailed Cost Itemization Forms

Ms. Elowsky explained the increased transparency for the new FOIA legislation effective July 1, 2015. She explained the use of the forms, public summary, guidelines, cost itemization, FOIA forms be adopted.

Motion by Cash, second by Hicks

To approve the new FOIA procedures and guidelines for the Charter Township of Lyon along with the public summary of the Charter Township of Lyon FOIA policies and guidelines, the FOIA detailed itemization cost itemization form and the accompanying FOIA forms effective July 1.

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

MOTION APPROVED

H. Jimmy John's – Special Land Use; AP-15-30

Mr. Doozan reviewed the McKenna Associates memo dated May 27, 2015. He explained consistent with the Planning Commission's recommendation, he recommended that the Township Board approve the special land use application for Jimmy John's, subject to approval for the site plan.

Trustee Hicks explained that the drive thru lines up to the entrance. There was brief discussion regarding the traffic pattern.

Trustee O'Neil suggested having a railing coming from the doorway to block where the drive thru is so no one can walk out into the drive thru traffic.

Motion by Dolan, second by Carcone

To approve the Special Land Use, AP-15-30 for Jimmy John's.

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

MOTION APPROVED

I. Request Clean Up Services at Everett Cemetery Nine Mile and Chubb Road

Clerk Cash explained that the cemetery needs some TLC. Total Lawn Care has provided a quote for \$1540 to clean up along the fence line and along 9 mile and take out the brush and clean up all of the overgrown poison ivy. It was also recommended to use a pesticide and herbicide. Clerk Cash stated that she has enough money in the cemetery budget.

Motion by Carcone, second by Adams

To approve the cleanup request for Everett Cemetery by Total Lawn Care for \$1540.00 plus \$120.00 for the herbicide application.

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

MOTION APPROVED

J. Discussion on CIP for Township Projects

Trustee O'Neil suggested looking to the consultants to put this together. Supervisor Young stated he started bulleting all of the items that they need to spend money on and felt once those things are there then it has to be developed. Trustee O'Neil stated that they need to decide for each project what the threshold will be for it to become a CIP project.

Mr. Doozan and Ms. Zawada agreed to put a cost proposal together.

K. Disc Golf

Trustee Hicks explained that Total Lawn is requesting that the Township front money out of the Parks and Recreation fund for 3 cuttings.

Motion by Cash, second by Dolan

To fund the first 3 cuttings out of the parks and recreation fund Total Lawn Care Bid \$1050.00

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

MOTION APPROVED

ADJOURNMENT

Motion by Hicks, second by Cash

To adjourn the regular meeting at 10:39 p.m. and move into closed session.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

The Board of Trustees meeting was adjourned at 10:39 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash

Lyon Township
Clerk