

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
September 8, 2015

Approved: _____

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: 12

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

APPROVAL OF CONSENT AGENDA

Approval of Regular Meeting Minutes of August 3, 2015
Approval of Disbursements
Building Department Report for July 2015
Engineering Report September 2015
Fire Report July 2015
Zoning Reports for August 2015
Fiber Technologies Networks, LLC's Request for Approval of Modification to Exhibit A of METRO ACT Unilateral Permit

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

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Trustee Hicks reported on this day 123 years ago the Pledge of Allegiance was first recited. Also, 41 years ago today President Ford pardoned President Nixon for any and all crimes he may have committed while he was in office.

CALL TO THE PUBLIC

John Shield, 26234 Great Plains Drive– He explained that his issue is with Mr. Elkow, the first phase of the sub has one house yet to be completed and has multiple issues to complete. They have been working with the Township for the last two months to try and get things done with very little headway. Mr. Elkow has completed at least 20 homes in the next phase without turning over a single ounce of community space to them. He hasn't finished the entrance and something needs to be done about it. Mr. Elkow is not listening to anyone. We've all paid for the common areas and he needs to complete it. There are 3 types of mailboxes in their community right now and he questioned what was allowed in the planned development.

Mr. O'Neil stated he lives in the sub too and he agreed with the issues. He suggested adding this topic to the agenda for discussion.

Stephen Emsley, 51824 Eight Mile Road – Mr. Emsley questioned if there was time to speak regarding planned developments. Supervisor Young stated he would allow time for comments when they arrive at that point in the agenda.

REPORTS

DDA – Ms. Archer reported the DDA approved \$10,000 to construct the control weir within manhole 100A regards to storm water. Investigating the purchase of property for parking. The streetlight sustainability program is also being worked on. She also thought a 2016 budget work shop would be scheduled soon.

Fire Chief – Deputy Chief Berry reported the Administration Assistant will be starting on Friday. They received a check for the reimbursement for the Milford fire. They will be attending a Tigers Game to represent the Township in a 9/11 recognition ceremony at the pre-game. Also, on 9/11 there will be a ceremony and a fundraiser for the Great Lakes Burn Camp at Walnut Creek.

Sherriff – None

Planning Commission – Treasurer Carcone gave an update regarding the Planning Commission meetings.

ZBA – Trustee Hicks gave an update regarding the last ZBA meeting.

Park Advisory Board – Trustee Hicks reported the Community Center has been put on hold indefinitely. They are receiving quotes on pavilion signs. There was discussion regarding the budget and what is needed. Garbage cans are needed for Disc Golf along with someone responsible for emptying them. The play area has four new benches which were done by Adam Smith as an Eagle Scout project and they look great.

APPROVAL OF AGENDA

Trustee O'Neil added Discussion for Heights of Elkow and Supervisor Young added the Planning Commission appointment and a sub heading under the Capital Improvement Plan for Township Water System.

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

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

MOTION APPROVED

PUBLIC HEARINGS

A. **Truth in Taxation**

Treasurer Carcone provided an explanation regarding the Headlee Roll Back Factor and the Headlee Amendment.

Stephen Emsley commented he was not going to nickel and dime the Township on public safety. He pointed out since he moved here 3 years ago the Township has taken the opportunity to raise the value of his home by 26%. If that continues, the math doesn't work when there are double digit raises on the value of his home. Part of this is home values are going up. Ms. Carcone stated that the SEV can go up into double digits but what you pay taxes on cannot go up more than the cost of living or 5% whichever is least. Mr. Emsley stated that he appreciated the cap but the next guy will eat it.

Supervisor Young explained that the Township does not raise taxes the market raises the taxes in terms of value.

Supervisor Young closed the public hearing at 7:30 p.m.

UNFINISHED BUISNESS

A. **Second Reading of the Look Self Storage Rezoning; AP-15-39**

Mr. Doozan explained that there have been no changes and the second reading is ready for approval.

**Motion by Cash, second by Hicks
To approve Zoning Map Amendment 168-15 Look Self Storage Rezoning.**

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

MOTION APPROVED

B. Truth in Taxation

Trustee O'Neil asked when this was last contemplated. Treasurer Carcone stated it was 2004. Trustee O'Neil explained that a lot of communities do this and there is a way to get around having a public hearing he believed a budget hearing could be held instead of a Truth in Taxation. He felt it speaks volumes that the Township held the public hearing instead of trying to slip it through and he appreciated the way it was handled.

Motion Cash, second by O'Neil

To approve Resolution 2015-23 approving Township operating millage rate levy for 2015.

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

MOTION APPROVED

Motion by O'Neil, second by Carcone

To approve the L4029 to change the fire debt from a .45 to a .40.

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

MOTION APPROVED

NEW BUSINESS

A. Marada Industries Inc. (Magna) Application for Industrial Facilities Tax Exemption Certificate with Resolution No. 2015-21

Ms. Archer reviewed her memo to the Board dated September 7, 2015. She explained that Magna International is a leading global automotive supplier with 319 manufacturing operations and 84 product development, engineering, and sales centers in 29 countries. This project will result in the construction of a new, 150,000 sq. ft. manufacturing facility and more than \$56 million in real and personal property investments. The project will also create approximately 250 new jobs in the Township of Lyon. Employees will receive medical, dental, and vision insurances; short-term and long-term disability benefits; employee profit sharing; 401(k) with company match; paid vacations and holidays' and Worker's Compensation Insurance. The projected start of production is October 2016.

Mr. Battista from Magna commented that they are very proud to be coming to Lyon Township and contributing to the community.

Trustee Adams welcomed Magna to the industrial area.

Motion by Cash, second by Hicks

To adopt Resolution No. 2015-21 approving application of Marada Industries, Inc. (Magna) Industrial Facilities Tax Exemption Certificate for the time period of 12 years.

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

MOTION APPROVED

B. Streetcar ORV; American Expedition Vehicles Application for Industrial Facilities Tax Exemption Certificate with Resolution 2015-22

Ms. Archer referenced her memo dated September 7, 2015. On August 3, 2015 the Board did approve the establishment of the District No. 10. This is located in the Quadrants Industrial Research Center. In addition to the two spec buildings, 6 vacant parcels of land are also available for development in this district. She explained the additional steps needed with regard to a spec building. Streetcar ORV has been in business for over 15 years. The 9.1 million dollar project includes an investment of 6.1 million in real property which does not include the cost of land. The project will relocate 84 jobs to the Township and create 55 new jobs in the Township over the next 3 years. Based on the score card it was recommended for 6-8 year abatement.

Mr. Messink from ORV stated they are excited about the property and see this as a place to grow as the company continues to grow. He confirmed that they primarily work on Jeep Wranglers and they recently expanded into RAM Trucks. They do exterior accessories and they do not do any noise testing.

Supervisor Young thought this will be a great company for the Township and he agreed with Trustee O'Neil's suggestion of going with 6 year abatement based on the scoring card.

Motion by Cash, second by O'Neil

To adopt Resolution 2015-22 to recognize the speculative building status of 51960 12 Mile Road, tax ID number 21-12-452-012.

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

MOTION APPROVED

Motion by Cash, second by Dolan

To approve Resolution 2015-24 approving the application of Streetcar ORV, LLC. American Expedition Vehicles Industrial Facilities Tax Exemption Certificate for the speculative buildings and the new improvements for the building located at 51960 12 Mile Road, Lyon Township for the duration of six (6) years.

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

MOTION APPROVED

C. Proposed Rezoning from I-2 General Industrial, to I-1 Light Industrial; AP-15-50 Parcel #21-29-426-007

Mr. Doozan reviewed the McKenna Associates memo dated August 25, 2015. He explained that there was one person who spoke in favor of the rezoning during the public hearing at the Planning Commission meeting. Following deliberation, the Planning Commission approved a motion to recommend approval of the Hensley rezoning from I-2, General Industrial, to I-1, Light Industrial. He noted that approval of the rezoning does not give assurance that the site plan, special land use application or possible variance request for All-American Storage will be approved.

Trustee Adams asked if there were any inquiries from the residential area. Mr. Doozan stated no, not on the rezoning.

Motion by Hicks, second by Cash

To approve the first reading of the proposed rezoning from I-2 General Industrial to I-1 Light Industrial parcel #21-29-426-007.

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

MOTION APPROVED

D. Minor Amendment to the Riverwood Estates Planned Development

Mr. Doozan reviewed the McKenna Associates memo dated August 25, 2015. He explained that item 15 of the Planned Development Agreement for Riverwood Estates Planned development did not contemplate the division of the development into two separate parts, each with its own builder. The Planned Development Agreement allows only one sales office and one temporary sales trailer for the entire development.

There are two developers/builders in Riverwood. AKGR, LLC is responsible for the west side, and Landmarc Building/Development, Inc. is responsible for the east side.

Motion by O'Neil, second by Carcone

To move the minor amendment to the Riverwood Estates Planned Development to the second reading which specifically amends Section 19.03 subsection E, of the Zoning Ordinance with a maximum of two models, one for each builder, regardless of phases.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

E. Lyon Township Hall Expansion Contract Award

Ms. Zawada reviewed the CES memo dated August 31, 2015. She explained that there were a total of four bids submitted. The low bidder, Tower Construction, LLC submitted a bid in the amount of \$449,134.00.

Ms. Zawada recommended that the Township Board award the contract to Tower Construction, LLC in the amount of \$449,134.00.

Supervisor Young also reviewed the revenue expense reports for the Building Department since the addition will be funded by that.

There was brief discussion regarding various minor expenses that may be needed.

Motion by Carcone , second by Cash

To approve the Lyon Township Hall Building Expansion contract award as recommended by CES in the amount of \$449,134.00 to Tower Construction, LLC.

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

MOTION APPROVED

F. Capital Improvement Plan

Mr. Doozan reviewed the McKenna Associates memo dated August 28, 2015. McKenna Associates and Civil Engineering Solutions propose to prepare the Capital Improvement Program for the Charter Township of Lyon for a fixed fee of \$18,000 including soft and hard costs. They anticipate the CIP will be completed over a roughly 6 month timeline.

Motion by O’Neil, second by Hicks

To approve the creation of a Capital Improvement Plan not to exceed an expenditure of \$18,000.00.

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

MOTION APPROVED

F. 1. Township Water System

Supervisor Young gave an update regarding the water system. Mr. Crandall from Giffels/Webster gave a brief update regarding the meeting that was held on August 25 to discuss critical short term capital improvement projects. He felt these projects can be completed by the middle of July of 2016.

Trustee O'Neil suggested raising the tap fee which would not affect current residents. He also felt public education would be a benefit. He agreed that these items needed to be looked at but he would not support anything without putting the engineering out to bid.

Supervisor Young agreed, but before they are able to put these items out for bid they have to define the project and the priorities which is what Mr. Crandall is proposing. Supervisor Young proposed that the preliminary work, the routing so that the recommendations can be made and then bids can be put out there. Trustee O'Neil stated if they are talking about studies and not preliminary design then that would be more reasonable and he would be comfortable with that. Treasurer Carcone stated she would like to bid it out but getting the scope of the work done now is needed.

Motion by Carcone, second by Dolan

To approve \$39,000 to Giffels Webster for the items in the Giffels Webster letter of September 9, 2015 for the Lyon Township water system.

Trustee O'Neil questioned if this will give the Township a bid package for engineering design services. Mr. Crandall stated it will not be that complete.

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

MOTION APPROVED

G. Chubb Road Paving Estimate

Ms. Zawada reviewed the CES memo dated August 25, 2015. She reviewed the cost estimate for the paving of Chubb Road per the request of Trustee Adams. The estimate does not include a signal. If it is found that a signal is warranted and part of the project, it would add \$160,000.00 to the project costs. The estimate in total is 1.1 million dollars.

There was discussion on timing. Trustee Adams thanked Ms. Zawada for the information.

H. HVA and Lyon Township Fire Department Ambulance Agreement

Deputy Chief Berry gave a brief summary of the contract agreement. He confirmed there were not significant changes. He confirmed the City of South Lyon signed it as well.

Motion by Cash, second by Carcone

To approve the Consolidated Municipal Ambulance Service Agreement with Huron Valley Ambulance, Lyon Township and the City of South Lyon.

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

MOTION APPROVED

I. First Amendment to Chapter 15 – Design & Construction Standards

Ms. Zawada reviewed the CES memo dated August 21, 2015. She explained from time to time the Engineering Design Standards are revised to incorporate necessary changes that they encounter during the plan review process, design projects as well as construction related issues. She reviewed the list of recommended changes and the reason for the recommendation.

Motion by O'Neil, second by Carcone

To approve the revisions per the CES memo dated August 21, 2015 understanding that the Township Attorney will put it into ordinance form for further approval.

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

MOTION APPROVED

J. Resolution Declaring September 2015 as National Recovery Month

Supervisor Young explained that Lyon Township is joining the community driven collaboration declare September National Recovery Month for mental health.

Motion by Carcone, second by Hicks

To Declare September 2015 as National Recovery Month.

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

MOTION APPROVED

K. Proposed Zoning Text Amendments

Mr. Doozan reviewed the McKenna Associates memo dated August 25, 2015. The Planning Commission approved a motion to recommend approval of the proposed text amendments to the Township Board.

Trustee O'Neil asked if language should be added to allow a developer to petition the Board for more than two model homes if there are more than two builders to a development. Various scenarios were briefly discussed. Mr. Doozan agreed to add additional language to say a maximum of two model homes with any additional requests for model homes to be reviewed administratively and approved.

Motion by Hicks, second by Carcone

To adopt the proposed zoning text amendments as presented in the McKenna Associates memo dated August 25, 2015 with the addition of the added language Section 19.03 subsection A-2 to allow a maximum of two model homes with any additional requests for model homes they can seek administrative approval.

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

MOTION APPROVED

L. Discussion on Lyon Township Planned Developments

Trustee Adams commented that Lyon Township is the fastest growing community in Oakland County which brings enormous problems to the community in terms of traffic, water resources, police protection, and quality of life for those living in the Township. He felt that the infrastructure has been overrun. Traffic is a major problem at 10 Mile and Milford Road and will only get worse with the 5 approved planned developments on 10 Mile Road and one on Eleven Mile Road will add significant population growth to our Township. He is concerned with the water issue and it will take a lot of money for the Township to correct. He thought now is the time to say no to further planned developments. He felt it should be developed to the master plan and zoning which provides home sites with larger lots.

Stephen Emsley, 51824 Eight Mile Road – He explained that his primary concern is with Windridge and the way it leverages the idea of a planned development to shoe horn many more homes into this property than would fit if the developer was held to the standard of the underlying zoning. This property is impaired by wetlands and two natural gas pipelines and is an awkward piece of property. He felt that the residents are getting overtaxed water systems, inappropriate density, overtaxed roads and thinly stretched resources across the board. He asked to hold the developers to the underlying zoning instead of the 40% increase of density. There is no public purpose.

There are a wave of PD's that are going to be coming to the Board and all of them are impaired by wetlands and it is very hard to justify these incoming PD's. He asked that they slow down and really look at it and consider what the citizens are getting because it seems like they aren't getting anything.

Supervisor Young explained that the Board has not seen Windridge yet and they would not discuss the plan.

Mr. Doozan briefly explained the benefits of a PD and the difference between a PD and conventional development.

Trustee Adams felt that traffic should be the major issue when considering these PD's. There was brief discussion regarding the PD's and the pros and cons.

Mr. Emsley commented that the public would like to see some of these alternate plans. He suggested using a scoring system to see if a PD is viable, it would make it fair and equitable.

Robin Allen, 28550 Tindale Trail – He has lived here his whole life. Perfect world; close the gate, that's enough. We can't stop development but they can build to the master plan which is why we have one. There are 9 future proposed PD's on the Planning Commission agenda. He attended the Planning Commission meeting and he heard a lot of things about their hands being tied because the plans meet the zoning. He stated that the plans don't meet the present zoning, it may meet the proposed rezoning, so their hands are not tied. Keep it to what it is presently zoned to. He didn't care less about driving by and seeing open space. He commented on Windridge and explained that the developer was not willing to even contribute to a traffic light.

M. Heights at Elkow Farms

Supervisor Young explained that they held up building permits for over a month in an effort to get Mr. Elkow to do the things he still needed to do and he has planted trees and moved rocks. He needs to make the entryway look right. Mr. Elkow has stated that he will do it. Trustee O'Neil commented that the bar was set low and Mr. Elkow can't even meet those expectations. He stated that Mr. Elkow doesn't follow through on anything. It's unacceptable, with Mr. Elkow or any other developer and he felt that they should not be able to progress with anymore approvals unless everything that they have done meets the Township's expectations and standards.

Mr. John Shield commented that nothing has happened all last year. The Township met with Mr. Elkow and put his building permits on hold. Mr. Elkow ran around and hit every little area to make it look like he did something and then he went out of town. The developer came in and put in a sidewalk and did not restore it to the condition it was originally. That was his job to do and it is the Township's responsibility to hold him to it. Mr. Shield felt that Mr. Elkow is walking all over the Township and doing whatever he

wants and getting away with it. His permits were put on hold and then those were released.

Treasurer Carcone stated she went out and looked at the subdivision. She stated that Mr. Shield can't even exaggerate enough, it's horrible. She went into surrounding subs to look at their landscaping and said there is no subdivision that looks that bad. She explained that she called Mr. Elkow and she told him how horrible it looks. This is not how we want the developers to develop in the Township. She also feels so bad for the people that live in there. She stated that Mr. Elkow told her he would send someone out over the weekend. Treasurer Carcone explained she went over there to check and the silt fence was moved, and some of the stuff was cut down so she called him again.

Ms. Zawada explained that they do have bond money and they can collect on it and correct it. Ms. Zawada stated that everyone has given Mr. Elkow ample notice. The Board members were all in favor of giving notice to Mr. Elkow to complete the work or the bond money will be used.

Motion by O'Neil, second by Cash

To exercise the existing bond for the Heights at Elkow Farms to complete the outstanding punch list items and to cover the Township expenses to the fullest extent legal.

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

MOTION APPROVED

N. Planning Commission Appointment

Supervisor Young reported that Ed Campbell resigned from the Planning Commission. Mr. Campbell had remaining time on his term. He would like to nominate Kurt Radke to fill Mr. Campbell's position and he accepted.

Motion by Young, second by Hicks

To appoint Kurt Radke for the remainder of Ed Campbell's term, expiring November 2015 to the Planning Commission.

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

MOTION APPROVED

ADJOURNMENT

**Motion by Cash, second by Carcone
To adjourn the regular meeting at 10:53 p.m.**

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

MOTION APPROVED

The Board of Trustees meeting was adjourned at 10:53 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash

Michele Cash
Lyon Township Clerk