

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

Approved: **NOVEMBER 2 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: 22

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

APPROVAL OF CONSENT AGENDA

Approval of Regular Meeting Minutes of September 8, 2015
Approval of Disbursements
Building Department Report for August 2015
Engineering Report for August 2015
Fire Report August 2015
Zoning Reports for September 2015
Rathmor Park Phase I Bills of Sale
Asbury Hill Water Main and Sanitary Sewer Bills of Sale

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

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Mr. Hicks announced 130 years ago the first ball point pen was patented and in 1947 the first Presidential address was held from the White House by Harry Truman.

CALL TO THE PUBLIC

John Schell, 26234 Great Plains Drive – He apologized for a discussion he had with Mr. Young but he did not apologize for not letting the items go with regard to his subdivision. He stated he has lived there for 8 years and has had to put up with this and for someone to tell him that everything on that punch list was done he couldn't stand for it. He is a licensed builder himself and he wouldn't do that to a customer. The Township allowed Mr. Elkow to build a 1600' sq. foot house in the subdivision when they have a minimum of 1800' sq. foot requirement, he is allowed to continue to have weeds grow, sell homes from their sub to his other communities for over 3 years when that is against the Township ordinance. Layers of top soil were removed, debris piles are left and the list goes on. Frankly, he doesn't know why he was addressed the way he was when he came to the Township Hall and he felt it was uncalled for. He felt the Township needs to do something as they move forward in controlling the developers and monitoring them.

Steve Emsley, 51824 Eight Mile Road - He has not heard of one glowing success story from any developer that has been in here. We have no example of a developer that has made promises and followed through with them. If you can't control them after 10 years how are they going to control these big budget projects?

REPORTS

DDA – Ms. Archer announced the Draught Horse Brewery is now open. Oakland County Economic Development Showcase will be on October 30, 2015. She will be presenting key points from the DDA Master Plan. The DDA Board approved the Lyon Township Profile advertisement for a magazine which will highlight the Township. Repairs were made on the southwest round about and a number of street lights were repaired. The DDA Board is reviewing sidewalk connectivity from the Planning Commission suggestions. A building on 56000 Grand River was demolished and she will be contacting the broker regarding marketing of the property. A request to establish an Industrial Development District in the Lyon Industrial Research Park was received.

Fire Chief – Chief Van Sparrentak reported the Halloween Party will be October 24, 2015 at 5 p.m. Rescue 1 is near completion and it will be picked up next Monday. He introduced Mary Mosesso their first Administration Assistant to the Fire Department. She has been a great addition.

Sherriff – None

Planning Commission – Treasurer Carcone gave a brief status update from the Planning Commission meetings.

ZBA – Trustee Hicks gave a status update from the ZBA meeting.

Park Advisory Board – Trustee Hicks reported the South Lyon Area Recreation provided information on joining the Michigan Recreation and Park Association. They reviewed a job description for the Park and Facilities Management Special Events Coordinator. They are inviting SEMCOG to a meeting to discuss grants. They sent an estimate for the requested signs for the pavilion and disc golf. There was also a budget discussion. They also discussed an annual pass for disc golf.

APPROVAL OF AGENDA

Supervisor Young added property with unsafe buildings, request for a grading permit, and an Elkow update to the agenda and Clerk Cash moved item 10E. up on the agenda.

**Motion by O’Neil, second by Carcone
To approve the agenda as revised.**

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

MOTION APPROVED

UNFINISHED BUISNESS

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

Mr. Doozan explained nothing has changed with this rezoning. He explained that the approval of the rezoning does not give assurance that the site plan and special land use application and possible variance request for All American Storage will be approved.

**Motion by Cash, second by Carcone
To approve the Zoning Map Amendment 170-15 known as Hensley Griswold rezoning ordinance.**

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

MOTION APPROVED

B. Minor Amendment to the Riverwood Estates Planned Development; Second Reading.

Mr. Doozan explains this involves the model homes and sales trailers. There have been no changes and it is ready for consideration.

Motion by Cash, second by Carcone

To approve the Zoning Map Amendment 169-15 known as the First Amendment to the Planned Development Agreement for Riverwood Estates Planned Development

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

MOTION APPROVED

**C. First Amendment to Chapter 15 – Design & Construction Standards;
Second Reading**

Ms. Zawada explained these are amendments to the Design & Construction Standards that were discussed last month. Nothing has changed.

Motion by O'Neil, second by Carcone

To approve the adoption of Ordinance 19-15 which is an amendment to the Design and Construction Standards

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

MOTION APPROVED

D. Text Amendment to the Zoning and Grading Regulations Ordinance No. 12-15; Second Reading

Mr. Doozan explained there were no changes and it is ready for consideration.

Motion by O'Neil, second by Carcone

To approve the adoption of Ordinance 12-15 which is an amendment to the Zoning and Grading Regulations.

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

MOTION APPROVED

**E. Text Amendment to the Zoning Decriminalization Ordinance No. 13-15;
Second Reading**

Mr. Doozan explained there were no changes and it is ready for consideration.

**Motion by Hicks, second by Cash
To approve the Text Amendment to the Zoning Decriminalization Ordinance
No. 13-15.**

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

MOTION APPROVED

**F. Text Amendment to the Zoning Noise Disturbances Ordinance No. 14-15;
Second Reading**

Mr. Doozan stated there was one change within a noise sensitive zone, construction and other noise disturbances would be prohibited between 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays and anytime on Sundays or holidays.

Steve Emsley – He questioned the timing. Ms. Zawada explained this will allow them to end work earlier at 7:00 p.m. Mr. Emsley felt that the timing was very loose especially for the people that have to live with it 12 hours a day six days a week.

Trustee O'Neil stated he didn't think it was unreasonable to have them start at 8:00 a.m. on Saturdays. The Board agreed.

**Motion by O'Neil, second by Carcone
To move the adoption of Ordinance No. 14-15 Text Amendment to the
Zoning Noise Disturbances Ordinance with the hours of work being M-F no
work between the hours of 7:00 p.m. and 7:00 a.m. and no work on Fridays
between 7:00 p.m. – Saturday 8:00 a.m. with no change to the holidays that
are already in place.**

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

MOTION APPROVED

G. Text Amendment Definitions Ord. No. 15-15

Mr. Doozan explained there were no changes and it is ready for the Board's consideration.

**Motion by Cash, second by Hicks
To approve Ordinance 15-15 known as the Amendment to the Zoning
Definitions Ordinance.**

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

MOTION APPROVED

H. Text Amendment Site Plan Approval Ord. No. 16-15

Mr. Doozan stated that there were no changes and it is ready for the Boards consideration.

**Motion by Cash, second by Carcone
To approve Ordinance No. 16-15 known as amendment to the site plan approval ordinance.**

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

MOTION APPROVED

I. Text Amendment Model Homes Ord. No. 17-15

Mr. Doozan explained there are no changes and it is ready for consideration.

**Motion by Cash, second by Hicks
To approve Ordinance No. 17-15 known as the Amendment to the Model Home Ordinance.**

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

MOTION APPROVED

J. Water System Update

Mr. Mayer from Giffels Webster provided an update via four memos and outlined the preliminary design study to define the scope of work, project budget, project schedule, and design criteria of four water system projects recommended in the Lyon Township Water System Master Plan. They are still working with the Water Resources Commission and equipment vendors. Mr. Mayer referenced the Giffels Webster memo dated September 29, 2015.

Mr. Mayer explained based on their progress so far they believe that it may be feasible to increase the capacity of the iron removal system and greatly improve the reliability of water system before next summer. The following steps need to be completed if the

Township would like to accomplish this goal:

1. Increase the Permitted Capacity of the Woodwind Well: Rob DeWyre from AMEC Foster Wheeler should begin the process of testing the Woodwind Well system, prepare the necessary reports that demonstrate its capacity, and submit permit documents to the MDEQ. Based on a meeting they attended with the MDEQ it was estimated that it will take at least 5 to 7 months from the time the testing sites until the MDEQ completes their review.
2. The WRC should work with the manufacturer's representative to conduct a pilot study of the existing Woodwind iron removal facility. As described in the memo they believe the system may be able to effectively treat more than 2,000 gpm.
3. Begin the process of designing and construction of the Johns Rd. water main as recommended in the memo.

If the Township can get the Woodwind Well permitted for additional capacity, demonstrates that the existing iron removal system can effectively treat 2,800 gpm and complete the Johns Rd. loop, then the system should be able to produce and deliver treated water through the summer of 2016.

Regarding project 1, the 2nd Water Main Loop between Grand River and Woodwind well Mr. Mayer recommended Alternative 4 (Johns Rd.) which includes approximately 8,000 ft. of 16" water main beginning at a connection to an existing 12" water main at the NE intersection of 12 Mile Road and Johns Road; thence south along Johns Road. Approximately 8,000 ft. to a connection to an existing 16" water main on Johns Rd. approximately 2,500 ft. north of 10 Mile Road. He also recommended that the Township consider the schedule, and evaluate methods to compress the schedule such that the Johns Rd. loop can be completed before July 2016.

Project 2 includes the installation of an altitude valve at each of the two water towers. These altitude valves will allow the WRC to better manage water storage: 1) it will allow the WRC to continue filling the West Tank (fire state) without overflowing the East Tank (Blue Cross); and 2) it will allow the WRC to hold water in the tanks during lower demand periods while using the variable speed well pumps to meet system demands. The total cost is \$588,000 which includes construction, design/construction engineering services, easement acquisition, and contingencies.

Trustee Adams asked if these projects will cover all of the new homes that are coming. Mr. Mayer stated yes, they did a projection of demand for the upcoming years.

Supervisor Young explained that the immediate need is to meet next summer's high peak demand and encourage people not to water at the same time.

Mr. Mayer recommended that the Township begin the process of going out of RFP's.

K. Heights of Elkow Update

Ms. Zawada explained at the last Board meeting the Board authorized McKenna Associates and CES to work together and create a punch list to forward to Paul Elkow. That was done and Mr. Elkow had until noon today to address the punch list items. She inspected it today and he addressed two of the items satisfactorily that were on the list. She obtained some bids regarding the landscaping since Mr. Elkow's attempt was not acceptable. She explained that the streetlights will be difficult to get done this year. Treasurer Carcone stated she also went and looked at it and the landscaping is not acceptable, she felt they should choose the lowest bidder and get the job done.

There was discussion regarding informing the Planning Commission to hold developers accountable when their past performance has been poor. The Township Attorney explained that the Planning Commission does have that authority within the PD parameters.

Ms. Zawada stated that a reasonable time period needs to be added to the PD Agreement to get the open spaces completed. Trustee O'Neil stated it is important to get this done and hold the developers accountable.

NEW BUSINESS

A. South Lyon Area Youth Assistance Request for Additional Funding

Representing South Lyon Area Youth Assistance: Stacey Willey, Mark Hiller, Doreen Brant, Robert Ziegler

A presentation was provided of the programs offered by the Youth Assistance program and they requested funding of \$10,000 in addition to the current CDGB funds being received.

Supervisor Young explained in the past they have used the CDGB funds and the allocation for those funds have changed greatly. Most of the funds go to the senior program. This is an excellent place to spend any extra money. Treasurer Carcone stated that they collect dollars every Friday to wear jeans to work and that money is always donated to our Shop with a Hero.

Steve Emsley – He commented that his wife was with a program just like this and he assured the Township that this is a worthy program and it changed his wife's life.

B. Lyon Events Organization (L.E.O.) Festival Update from Jim Chuck

Mr. Chuck introduced the officers from L.E.O. He gave a brief power point presentation regarding the festivals. They are finding out that Lyon Township is becoming a destination place. Our citizens are expecting the events and look forward to attending the events. The business owner support in the Township has also been huge.

Ms. Archer gave a brief review of the festivals that have been held this past year.

Mr. Chuck commented that 2015 was a great year and they decided that they will never do 3 events within 10 weeks again. They are in the hole right now as far as expenses go and they need some assistance to help them pay those bills. Moving forward, there were some learning curves and they put some checks and balances in place. They feel good about next year. By becoming a nonprofit it will open up more business sources to get some big ticket items.

Supervisor Young recommended looking at the \$9400.00 debt. It is a Township event as well as a L.E.O. event. Treasurer Carcone stated that the Township didn't put any money in as a donor; she asked some surrounding communities if they contribute and she found that they do; Milford puts money into Milford Memories. She felt the Township should contribute.

Supervisor Young suggested budgeting an amount in the 2016 budget for a contribution to L.E.O.

Motion by O'Neil, second by Carcone

To approve the Township contribution of \$9400.00 to L.E.O. to pay the remaining bills for the 2015 events.

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

MOTION APPROVED

C. Consideration of the Revocable Franchise to Permit Consumers Energy to provide gas service to the Charter Township of Lyon, First Reading of Ordinance No. 18-15

Kevin Keane, Area Manager Consumer's Energy explained they submitted a proposed ordinance to do business in Lyon Township. This is a revocable franchise and can be revoked by either party. It has been reviewed by the Township's legal counsel and he asked that the Board consider this as a first reading.

Motion by Cash, second by Hicks

To approve the first reading of Ordinance number 18-15 Consumers Energy Company Gas Franchise Ordinance.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

D. Windridge Planned Development – Preliminary Review; AP-15-24

Mr. Doozan reviewed the McKenna Associates memo dated September 30, 2015. The Coordinating Zoning Committee also granted preliminary approval of the plan. He explained that the Planning Commission recommended approval to the Township Board.

Currently, the traffic study showed a traffic signal light is warranted at the intersection of Eight Mile Road and Napier Road.

1. A note must be added to Sheet C2 indicating that trails within the development will be 5 ft. wide and paved with asphalt.
2. The Township acknowledges and approves the following setbacks:
 - a. 35-ft. front setback
 - b. Side setbacks consisting of 5 ft. on one side and 25 ft. on the other
 - c. 35-ft rear setback
 - d. Zero setback for lots along the south property line.
3. The vegetative and construction and building setback line shall be labeled on Sheet C4.
4. The vegetative strip and construction and building setback shall be addressed in the condominium documents to alert prospective purchasers.
5. Trails and bike path are allowed to encroach into the vegetative strip and construction and building setback subject to a future amendment to allow such encroachment.
6. The following landscape plan modifications must be made:
 - a. Plantings in the cul-de-sac detail must be labeled.
 - b. Intersection street lighting should be shown, with details.
 - c. Subdivision entryway signage must be addressed in greater detail, showing the setbacks, materials, dimensions, height, and method lighting.
 - d. The landscape plans must be sealed by a landscape architect.
7. A written agreement with the developer of Devonshire must be submitted to demonstrate the commitment of both developers to construct the connecting road.
8. Comments from the Township Engineer and Township Attorney shall be addressed.

9. The list of lots that are subject to the 25-foot setback must be updated based on the current lot configuration (Note 7, Sheet C2).

Mr. LaVanway provided an overview of the project.

Trustee Adams questioned what the depth of the lots are. Mr. LaVanway stated that the minimum depth is 140'. Trustee Adams stated its zoned ½ acre and homes are jammed onto the site, he asked if they can't build on ½ acre lots. Mr. LaVanway felt the site lends itself to a planned development; it does allow them to provide amenities such as bus stops, mailbox locations, playgrounds, internal walking trails and Township connection to the ITC Park, if they are not a planned development. Trustee Adams stated he would like to see a developer build the land as it is zoned.

There was brief discussion regarding density bonuses and public amenities.

Trustee Hicks felt that a traffic signal is a must. Treasurer Carcone agreed that they need the benefit of a traffic signal. Mr. LaVanway stated they discussed it and they are willing to make the contribution to the traffic signal of \$40,000.00.

Trustee Dolan asked if they can do something on lots 15, 16, and 17. Trustee O'Neil stated lot 1 needed some assistance as well. Mr. LaVanway stated that they can take a look at it, but they anticipate moving forward with this layout.

Trustee O'Neil asked if there is more or less wetland fill proposed with this plan compared to the concept plan. Mr. LaVanway stated it wouldn't have been significant in either plan.

Supervisor Young stated that a contribution to the traffic signal is an amenity for the residents, as well as the bike path.

Trustee O'Neil asked if the applicant would have to rely on the other 3 developments to do the water improvements. Mr. LaVanway stated the agreement as it is structured now does rely on the other developments. They do have options that they can explore in the event the other developments don't get their site plan approved.

Trustee O'Neil asked if the Fire Department has had a chance to look at this and how they feel about having 103 homes with only one access point. Mr. LaVanway stated he would rather move forward as is and then get feedback from the agencies involved that review the project and if an additional entrance was warranted then they would need to have those discussions. Supervisor Young stated that their approval would be based on having more than one point of ingress or egress. The Board discussed a second point of entrance/exit at length.

The Board discussed lot 14 being a convertible lot and lot 15 removed with the addition of the \$40,000 for a signal. If the developers are able to connect to the south or west then they could convert lot 14 back into a lot. Also, a construction access road was suggested through lot 14.

Motion by Hicks,

To approve the preliminary plan with the addition of a second entrance at Lot 14 onto Napier Road, with the contribution of \$40,000 towards the traffic signal at Eight Mile and Napier. Including the Planning Commission conditions and McKenna Associates memo dated September 30, 2015.

The Motion was not supported.

MOTION FAILED

Motion by Young, second by Carcone

To approve the preliminary site plan incorporating the conditions set up by the Planning Commission, McKenna Associates memo dated September 30, 2015 and the CES memo dated August 31, 2015. Including the commitment by the developer to contribute \$40,000 for a traffic signal at Eight Mile and Napier Road. Make Lot 14 a convertible lot that if the connection to the property to the south doesn't take place there has to be an entrance out to Napier Road and eliminate Lot 15.

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

MOTION APPROVED

E. Resolution No. 2015-26 Establishing Tentative Special Assessment Roll for General Purposes

Ms. Elowsky explained this is the annual resolution.

Motion by Carcone, second by Dolan

To approve Resolution 2015-26 Resolution establishing tentative Special Assessment Roll for General Purposes.

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

MOTION APPROVED

F. Supervisor's Appointments for Planning Commission beginning November 2015

Motion by Young, second by Dolan

To nominate Kurt Radke to the Planning Commission November 2015 through October 2018.

Voice Vote: Ayes: Unanimous
 Nays: None

MOTION APPROVED

Motion by Young, second by Carcone
To nominate for reappoint Jim Chuck to the Planning Commission
November 2015 through October 2018.

Voice Vote: Ayes: Unanimous
 Nays: None

MOTION APPROVED

Motion by Young, second by Carcone
To nominate for reappoint Kris Enlow to the Planning Commission
November 2015 through October 2018.

Voice Vote: Ayes: Unanimous
 Nays: None

MOTION APPROVED

G. Supervisor's Appointments for Zoning Board of Appeals beginning
November 2015

Motion by Young, second by Carcone
To nominate for reappoint Tony Raney to the Zoning Board of Appeals for
another 3 year term November 2015 through October 2018.

Voice Vote: Ayes: Unanimous
 Nays: None

MOTION APPROVED

Motion by Young, second by Hicks
To nominate Mike Barber as a regular Zoning Board of Appeals member
from November 2015 through October 2018.

Voice Vote: Ayes: Unanimous
 Nays: None

MOTION APPROVED

Motion by Young, second by Hicks

Motion by Dolan, second by Carcone

To allow the Fire Chief to fulfill the request for a stretcher and stair chair for New Rescue One at a cost of \$10,885.00

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

MOTION APPROVED

J. Budget Discussion

A date was set for the budget workshop for October 14, 2015 at 5:00 p.m.

K. Easterly Property

Supervisor Young explained that they have been pursuing this unsafe barn that is falling down over the years. The demolition agreement would cost \$13,000. The property owners can't afford more than \$3,000 to get the demolition started. The Township would put up the additional \$10,000 and would be repaid the \$10,000 over 4 annual installments. If the property owner didn't make their payments then the Township would place a lien on their property.

Motion by Cash, second by Carcone

To authorize the agreement with the Easterly's to pay for \$3,000 up front for them to demo the barn with 4 annual installments due to the Township with a promissory note per the agreement from the Township Attorney.

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

MOTION APPROVED

L. Grading for Elkow

Ms. Zawada explained that Paul Elkow contacted the Township about bringing in some dirt for the Heights at Elkow and under the PD Agreement the Township Board is required to approve any phase. She not able to perform any review until the Board approves an additional phase to this development.

Mr. Elkow explained there is roughly 15,000 yards of extra dirt off of Mill Street. He came in June for a grading permit. They took some top soil off the edge of phase 3 and then the rains came which washed away some of the dirt and brought down the level of cover over the high pressure gas line on the site. They had pinned and probed the gas

line and going forward they will have to raise this part of the development in order to get proper coverage along the gas line. They have a soil erosion permit since the beginning of the PD development. They have the ability to take this extra dirt and use it.

**Motion by Adams, second by O'Neil
To approve the phase line.**

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

MOTION FAILED

ADJOURNMENT

**Motion by Cash, second by Carcone
To adjourn the meeting at 11:20 p.m.**

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

MOTION APPROVED

The Board of Trustees meeting was adjourned at 11:20 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash

Michele Cash
Lyon Township Clerk