

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

Approved: **DECEMBER 7, 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
Sean O'Neil
Lannie Young

Absent: Steven Adams

Guests: 21

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 October 5, 2015
Approval of Budget Workshop Special Meeting October 14, 2015
Approval of Disbursements
Building Department Report for September 2015
Engineering Report November 2015
Fire Report September 2015
Zoning Reports for October 2015
Township Holiday and Meeting Schedule 2016
Spring Meadows Phase I and 2 CES #2014-0042 Bills of Sale for Water Main and Sanitary Sewer
Orchards of Lyon Phase III – CES #2105-0047 Bill of Sale for Water Main and Sanitary Sewer
Haven Request Letter

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

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Clerk Cash reminded the Northville School residents that there will be an election tomorrow morning in precinct 6, for Schoolcraft Community College. Hours will be 7:00 a.m. – 8:00 p.m.

Treasurer Carcone reported that the Township did have a record year in collecting taxes at 96%.

CALL TO THE PUBLIC

Walter Kondrat, 27255 South Hill Road – He commented on the supply and demand issue regarding land in the Township. The supply of the land is diminishing and the cost of land is increasing. The infrastructure is getting overloaded; now that the area is getting built up, he suggested that the Township can demand that the developers build fewer houses on the property. He would like to see the fewer houses and the Board should have more of a driving force to get the builders to come to their terms.

Steven Emsley, 51824 Eight Mile – He questioned if he wants to address agenda item E and F should he do that now or wait till that item is addressed. Supervisor Young stated that there would be time for public comment when that agenda items comes up.

REPORTS

DDA – Ms. Archer reported the DDA has recommended a budget. She will be attending the Michigan Festival and Events in Boyne Mountain. There will be a 5 year anniversary ribbon cutting at Evolve Hair Salon on 11/13/15 at 10:00 a.m. There will be photos with Santa at the Lyon Plaza on 12/5/15 from 2-4 p.m. Also, the Township is hosting an event with Abbey Park on 12/10/15 from 3-5 p.m. for business networking. She attended two economic development events in Oakland County.

Fire Chief – Chief Van Sparrentak reported that the Halloween Party was well attended. He recognized Fire Marshal Don Collick as their first graduate from Lyon Township Fire Department from the 10 month program at Eastern Michigan Staff and Command. There was a small fire at Continental Aluminum and they did have some damaged turn out gear and hoses. Continental stepped forward and will provide the 4 sets of gear that were damaged and the hoses. He also welcomed back Sargent Venus.

Sherriff – Sargent Venus stated it is great to be back after 3 months of rehabilitation, he is returning two months ahead of schedule. He reported that Halloween was quiet this year, probably due to the weather.

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 – None

APPROVAL OF AGENDA

The discussion on the water rates was added before the budget discussion and Shadow Wood was moved before Rathmor.

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

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

MOTION APPROVED

PUBLIC HEARINGS

A. Special Assessment Roll for General Purposes

Treasurer Carcone explained this is for delinquent sewer bills.

Supervisor Young opened the public hearing at 7:18 p.m. and closed it due to no comments.

B. Community Development Block Grant (CDBG) Program for 2016

Mr. Doozan explained these are federal funds that are received on an annual basis. The Township has been notified to receive \$29,085 in Block Grant Funds. The Public Hearing is to consider how the Township wants to allocate the funds. It was recommended to allocate the funds as follows:

\$3,000.00 for Haven,
\$16,183.00 for the Senior Center,
\$3,317.00 for the South Lyon Area Youth Assistance,
\$6,585.00 for assistance to low and moderate households for minor home repair.

Supervisor Young opened the public hearing at 7:21 p.m.

Steven Emsley, He commented that he is glad to see the Youth Assistance money included.

Supervisor Young closed the public hearing at 7:23 p.m. due to no further comment.

C. Consider Establishing an Industrial Development District Number Eleven

Ms. Archer asked for approval to establish and Industrial Development District Number Eleven.

Supervisor Young opened the public hearing on 7:26 p.m. and closed it due to no comments.

UNFINISHED BUISNESS

A. Special Assessment Confirming General Purpose Rolls No. 120-15

Motion by Cash, second by Carcone

To approve the Special Assessment Resolution confirming General Purpose Rolls for No. 120-15.

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

MOTION APPROVED

B. Second Reading Revocable Franchise to Permit Consumers Energy to Provide Gas Service to the Charter Township of Lyon, Ordinance No. 18-15

Motion by Cash, second by Hicks

To approve Ordinance No. 18-15 known as Consumers Energy Company Gas Franchise Renewal Ordinance.

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

MOTION APPROVED

NEW BUSINESS

A. Resolution 2015-27 Approving the Program Year 2015 Community Development Block Grant Application

Motion by O'Neil, second by Cash

To adopt Resolution 2015-27 Approving the Program Year 2015 Community Development Block Grant Application.

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

MOTION APPROVED

B. Resolution 2015-28 Establishing Industrial Development District Number Eleven

**Motion by O'Neil, second by Dolan
Moved the adoption of Resolution 2015-28.**

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

MOTION APPROVED

C. Maynard Meadows – Site condominium; AP-15-49

Mr. Doozan reviewed the McKenna Associates memo dated October 14, 2015. Consistent with the Planning Commission's action, it was recommended that the Township Board approve the site condominium plan conditionally, per the procedure set forth in Section 5.04(C) of the Zoning Ordinance. The following conditions were recommended:

1. The concerns cited in this letter must be addressed and revised, dated plans.
2. The plans are subject to approval by the Road Commission for Oakland County and the Michigan Department of Environmental Quality.
3. The plans are subject to approval by the Township Engineer and Township Attorney.
4. The condominium master deed, bylaws, and condominium subdivision plan are subject to Township administrative approval.

Ms. Zawada explained that a detailed engineering review will be required if approved and the other items are minor and will be addressed at that time.

Ms. Elowsky explained that the review items related to maintenance and performance guarantees will be addressed in the condominium documents.

Nick Mancinelli explained this submittal represents a 20 year anniversary since his first development in Lyon Township. This is an eleven lot sub; in addition there is a 1+ acre parcel split from the original land parcel. Since the first submittal they have done revisions and he believed the project conforms to the Township requirements. He will address the comments in the McKenna Associates memo as well as the CES memo.

Trustee O'Neil questioned the proposed driveway location for the existing home. Mr. Mancinelli stated he will meet with the owners to see exactly where they want the location because they can move it east or west depending on the location they want. Trustee O'Neil stated that he is concerned about site distance and for a driveway to be, less than 100' north of this road would be a concern of his.

Mr. Mancinelli confirmed he will find a spot for the sign that is not so tight.

Treasurer Carcone stated it was refreshing to see a subdivision put together so well.

Trustee Dolan wondered if the homes in Lyon Trail were comparable in size. Mr. Mancinelli stated the colonials were about 2100 square feet with one smaller and some bigger. Mr. Mancinelli confirmed that the homes will be similar in value.

Motion by Hicks, second by Carcone

To approve Maynard Meadows site condo AP-15-49 subject to the McKenna Associates memo dated 10/14/15 along with the approval of the Township attorney and Township engineer.

Steven Emsley - He commented how refreshing it is to see a developer come in and go with the process and look at the underlying zoning and go with it and he hoped it will be approved.

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

MOTION APPROVED

E. Shadow Wood – Preliminary Planned Development Option #1; AP-14-57

No action was taken on Option #1, it was only provided as informational.

F. Shadow Wood – Preliminary Planned Development Option #2; AP-14-57

Representing Shadow Wood: Mr. LeClair, Green Tech Engineering
 Jack Healy, Healy Homes
 Bruce Michael

Mr. Doozan reviewed the McKenna Associates memo dated October 22, 2015. He explained that this is an unusual case because two plans have been forwarded to the Township Board, one with a recommendation of denial, one with a recommendation of approval. This review letter focuses primarily on the “approved” plan, since this is the plan the developer would like to move forward with.

The following community benefits were identified by the applicant as:

- Realignment and paving of 1,320 linear feet of Chubb Road, at a cost of \$200,000+.
- Provision of 43 more trees than the minimum required along Eight Mile Road and Chubb Road. (It appears that 34 additional trees and 11 additional ornamental trees are proposed along the public street frontages, based upon Sheet L-2).

- Installation of 10 Mile Rd. suburban streetscape along 2,640 linear feet of Chubb and Eight Mile Roads. (Streetscape improvements are required, so this is not a benefit.)
- Extension of sanitary sewer and public water services, potentially to serve other parcels as well.
- Saving prime woodland in the northwest area of the site.
- The installation of street lights at certain intersections in the development. The street light noted to be located at the intersection of Crabtree Land and Chubb Road is not shown graphically but should be.)
- A proposed 10-foot wide conservation easement along lots 89-92.

Additional considerations included usable open space, residential density and setbacks. Mr. Doozan also noted since this project borders another community, review by the Oakland County Coordinating Zoning Committee was required and the Committee approved the plan that was recommended to the Board by the Planning Commission on 10/13/15.

Ms. Zawada referenced the CES memo dated 9/24/15. She explained under the grading plans Sheets 9 and 10, item 5, the detention basin is showing out letting to a proposed ditch within the Chubb Road right-of-way and there are concerns how this will affect the downstream areas. Typically this would be provided during the detailed engineering review but she would like to make note of it. Under sheets 11, 12 and 13, item 1, the project is proposed to be serviced by off-site sewer and water main which several developers will be working on together and a copy of that final route and agreement between the owners shall be submitted as part of the final PD submittal. Other than that, if the Board takes action the next step will be detailed engineering and permitting.

Trustee Hicks stated he wanted to see a parallel plan. He commented that 1/3 of the north section is heavily treed and he felt the removal of those trees is a big issue. He questioned the benefit of the open space because it is so isolated from the residents. The extension of utilities places a financial burden on the Township regarding increased capacity. The long straight roads in the north portion will have complaints of speed. They are showing a gravel path accessing the open space and that will not do.

Trustee O'Neil agreed with Trustee Hicks. He felt on all PD plans there should be a parallel plan submitted. He would like to see a parallel plan at the time of concept because there is no better way to establish density. There was discussion about clarifying the requirement of a parallel plan and make sure the ordinance clearly states that one is needed at conceptual.

Mr. LeClair explained with respect to Option 2, there are 143 units, through some of the changes they did lose a lot for the sake of open space. He provided a power point presentation giving an overview of the project.

Supervisor Young asked if the applicant can produce a parallel plan. Mr. LeClair stated that they certainly can but there are many variables and the requirements need to be spelled out if this is the path that they are going to go with.

Trustee O'Neil stated that this is a tale of two projects, the green space in the southerly area is meaningful and accessible but then the northern part is a grid; there is nothing excellent about it, nothing appealing. Mr. LeClair felt that some of those concerns will wash out when the sewer district goes in. The offsite utility is very expensive and it is taking all of the developments to do it.

Trustee Dolan questioned if it is viable to run the water and sewer? The northwest sector is not good, it's not worth it to him to put houses back to back to get water and sewer, it's not worth the Township to suffer for it. He felt the plan looks horrible and it would make the Township a worse place to have something like that.

Mr. Healy stated that they didn't do the parallel plan because it wasn't in the ordinance and no one asked them to do it. They do meet the 20% open space. All the berms along Eight Mile and Chubb weren't counted which totaled another 7 acres. The two greenbelts were not counted either so there is more open space. Trustee Dolan asked if it is worth the trade off to get the sewer/water. Mr. Healy stated that they feel they could easily sell homes in there, maybe something can be done to change it a little bit. Trustee Dolan stated that this is the last rural corner in the Township and he didn't like the density being given for water and sewer which he didn't see as a benefit.

Supervisor Young stated that density and the layout of the north pieces are the biggest hurdles of this project. Trustee Dolan also brought up the point of a fire/rescue issue since there is no way out. Trustee Dolan stated that a parallel plan is needed, he did not think all of those homes can fit in the northern section.

**Motion by Dolan, second by O'Neil
To table until the next regular meeting, December 7, 2015.**

Mr. Healy stated it would have been nice to know about the parallel plan a year ago because their options are starting to run out.

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

MOTION APPROVED

Steven Emsley – He felt that the 25' setback sets precedence and he didn't think that has been done before. He commented that the Township doesn't protect a wetland that the MDEQ doesn't protect as far as he knows so it's easy for them to say they will fill whatever is not MDEQ protected. The northern stub there is no way to get a 17,000 sq. ft. lots, that stub is unbuildable.

Jim Hamilton, 24200 Martindale Road – He confirmed that the motion is for the next regular meeting next month.

Ms. Carcone confirmed that there were developments that have 25' setbacks.

D. Rathmor Park PD – Phase III – Conceptual Review; AP-15-61

**Representing Rathmor Park: Andy Milia, Franklin Properties
Randy Wertheimer, Hunter Pasteur Homes
Whitney Findlay, Franklin Properties**

Mr. Doozan reviewed the McKenna Associates memo dated October 27, 2015. He explained that no formal action shall be taken by the Township Board at conceptual review. Instead it is recommended that the Township Board members offer advice to the applicant on the issues presented in this letter.

Mr. Doozan explained that the Planning Commission completed review of the conceptual plan on October 26, 2015. In addition to the comments noted in the McKenna Associates memo dated 10/27/15, the Planning Commission suggested that 2 to 3 lots should be deleted to achieve a more reasonable density. Lots that the Planning Commission suggested should be considered for removal include: lots 11 and 47, to achieve open space continuity and preserve woodlands; lot 21, which is an isolated lot; and lot 12.

Initially the Planning Commission expressed a desire to the Napier Road bike path to extend south across the Burrell property. After recalling there would be no bike path to the south along Napier Road in Rathmor Park Phases 1 and 2, the Planning Commission decided it would be best for the bike path to be deleted in its entirety across the front of Phase 3, with the funds for the path being deposited in the Bike Path and Sidewalk Development Fund.

Due to concerns about traffic at the intersection of Napier and Ten Mile Roads, one Planning Commissioner expressed a desire to sue the Planned Development Agreement to delay issuance of building permits for new homes in Rathmor Park Phase 3 until September 1, 2017.

Ms. Zawada referenced the CES memo dated October 22, 2015. The applicant is proposing an offsite pump station and the western half of the development will flow to that and the pump station design would have to be evaluated. The wetland report was not available at the time of review and will be needed at preliminary review.

Mr. Wertheimer stated that they came up with the density number for a consistent reason since phase 1 and 2 had 1% more density bonus then they are asking for in Phase 3. They will do whatever they think is best and agreed with the Planning Commission's recommendation of removing 1 to 2 lots. They are looking to continue the beautiful development.

Most of the traffic will flow out to Napier and not to Ten Mile where it is already congested. They agreed to a \$150,000 contribution for the density bonus which is a greater contribution on a lot by lot basis from phases 1 and 2. If they want them to do a parallel plan then they can but he felt it was more important to maintain consistency.

Trustee O'Neil thanked them for the binders with all of the information. He stated that there is no consistency; it's kind of all over. Mr. Wertheimer stated that he felt that the Township had more of a feeling on the 100' lots. Trustee O'Neil stated he does like the parallel plan and going forward he felt that the Board does need to see one. In a PD they need to make sure they are requiring a parallel plan. He felt that the Township needs to arrive at what a reasonable percentage on a lot is, and arrive at what an average lot is worth.

Trustee Hicks questioned the easements to Johns Road. Mr. Milia stated that there is an easement that goes through the property where they will put the utility easement and the bike path connection through to Johns Road. Trustee Hicks also felt that a parallel plan should be included.

Trustee Dolan stated he liked the layout and it doesn't look uniform, it's pleasing although the density is a little high.

Treasurer Carcone stated that she liked the plan but times are different and it would be hard for her to live with a 25% density bonus, she would like to see a parallel plan and see what they can adjust. Clerk Cash agreed.

Supervisor Young stated that he looked at where it's located, the Ten Mile Corridor. It's the gateway into the Township from Novi. On this piece density is not as important to him, 90% of the people will go north or east, this will have little impact on Ten Mile. The majority of the traffic will go out of the Township instead of into the Township. If they can remove a few lots then he is good with that. He is very supportive of this project

Mr. Wertheimer stated there are 4 entrances on Rathmor and 3 of those are on Napier Road. He also explained that there is a tax analysis included in the packet. He thanked the Board for their comments.

G. Supervisor's Appointments for Downtown Development Authority beginning November 2015

Supervisor Young he would like to postpone this item until December 7th to give him an opportunity to interview additional candidates.

**Motion by O'Neil, second by Carcone
To table the DDA appointments until December.**

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

MOTION APPROVED

H. Water Rates

Ms. Zawada reviewed the capital improvements that will be needed in the next ten years which totals 23 million dollars initially. There was discussion regarding each section of the water rates, the base rate, the volume, the meter and the capital charges. Ms. Zawada did explain that each section will need to be increased. After discussion the Board decided to move forward with the capital charge increase and have time to study the remaining items at a future date.

Motion by Cash, second by Hicks

To approve Resolution 2015-29 to increase the capital charges to \$4500 per one inch and to increase the other meter sizes on a pro rata basis.

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

MOTION APPROVED

I. Budget Discussion and Adoption

Supervisor Young explained that the changes were all incorporated into the budget as discussed at the budget workshop meeting. The library approves their own budget but the Board also approves it. The numbers are a little different due to the health care costs not having any firm numbers yet. The library will have to adjust their budget accordingly.

Motion by Cash, second by O'Neil

To approve the 2016 General Fund budget dated 11/2/2015.

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

MOTION APPROVED

Motion by Carcone, second by Dolan

To approve the 2016 Building Fund as presented dated 11/2/15.

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

MOTION APPROVED

**Motion by Cash, second by Carcone
To approve the 2016 DDA budget as presented dated 11/2/15.**

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

MOTION APPROVED

**Motion by Hicks, second by O'Neil
To approve the 2016 fire budget as presented dated 11/2/15.**

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

MOTION APPROVED

**Motion by Hicks, second by Dolan
To approve the 2016 Park Fund as presented dated 11/2/15.**

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

MOTION APPROVED

**Motion by O'Neil, second by Dolan
To approve the 2016 Police Fund as presented dated 11/2/15.**

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

MOTION APPROVED

**Motion by O'Neil, second by Hicks
To approve the 2016 Sewer Fund as presented dated 11/2/15.**

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

MOTION APPROVED

Supervisor Young explained that the water fund budget will probably have to be amended at some point in the year.

Motion by O'Neil, second by Cash

To approve the 2016 Water Fund as presented dated 11/2/15.

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

MOTION APPROVED

Motion by Cash, second by Dolan

To approve the 2016 Library budget as presented dated 11/2/15.

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

MOTION APPROVED

ADJOURNMENT

Motion by Cash, second by O'Neil

To adjourn the regular meeting at 10:31 p.m.

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

MOTION APPROVED

The Board of Trustees meeting was adjourned at 10:31 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash

Michele Cash
Lyon Township Clerk