

Charter Township of Lyon  
Board of Trustees  
Regular Meeting Minutes  
December 7, 2015

Approved: **January 4, 2016**

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

**APPROVAL OF CONSENT AGENDA**

Approval of Regular Meeting Minutes of November 2, 2015

Approval of Disbursements

Building Department Report for October 2015

Engineering Report December 2015

Fire Report October 2015

Zoning Reports for November 2015

Cambrian of Lyon Water Main Bill of Sale

Stoneleigh West Water Main & Sanitary Sewer Bill of Sale

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

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

**MOTION APPROVED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

Trustee Hicks reported today is the 74<sup>th</sup> anniversary of the bombing of Pearl Harbor and the next day Jeannette Rankin cast the only no vote for entering World War II.

Treasurer Carcone reported the tax bills were mailed and if there are any residents who are on the sewer billing those were also mailed along with a direct debit form if anyone is interested.

Trustee O'Neil had some dialog with South Lyon City Council members and they felt it would be a good idea to meet annually about working together on projects like pathways and roads.

Supervisor Young stated that there were meeting this week in Novi to talk about the Ten Mile and Napier Road project and they came up with a list of things to do to keep the public informed. The federal funds have been committed for 2017 when the construction will take place. A meeting will also be held so the public can see the plan. He will try to give periodic progress reports regarding this project.

Supervisor Young also reported that he will soon be attending a Road Commission meeting to discuss what can be done to help with the Ten Mile Road traffic.

### **CALL TO THE PUBLIC**

**Carol Bidwell, 25100 Belladonna Drive** – She commented that there has been an ongoing flooding issue in that area. A physical inspection of her property shows that Carriage Club Phase III waters are flowing well outside any granted easement areas and flooding her property. There is standing water where none has been previously. The water is killing trees and plant life and altering the topography of her property. This flooding did not exist until the Carriage Club Phase 3 took place. As a result of a meeting with the HOA and Township officials on August 12, 2014 Ms. Zawada sent an email to the HOA which listed 3 items to be completed due to offsite drainage issues.

1. To develop a timeframe and cost to clean out the sediment basin and to add clean stone;
2. Timeframe to study and draft necessary easements to the regulated wetland
3. Timeframe to implement the engineer's recommendations.

According to the synopsis of the meeting the stand pipe does appear to be working but Ms. Zawada had other concerns, it also stated that the Township could only assist in an advisory capacity. Since the Township approved the storm management plans as presented by the developer she submits that the Township does have a responsibility to address this problem. She requested that the Township Engineer review the original plan to ascertain it was implemented correctly and to propose a solution to prevent further flooding on her property. She has lived there for over 40 years.

Supervisor Young explained that they have been working on this for over a year and they will continue to do so until they come to some type of resolution.

**Ann Pollen, 25000 Belladonna Drive** – She is directly affected by the flooding issue. The water that is coming across her property goes to a wetland that was the Elkow property and that wetland is now 3 times bigger than it was a year ago. In the middle of that property a pond is forming, there is a lot of water in that property and it's trying to

move towards Milford Road. Fertilizer and silt also flows with that water and now there are invasive plants growing in there and that may destroy the process of the wetland. Anyone who is developing on that property will have a real problem. It won't improve until someone decides to do something about this water issue.

**Jim Hamilton, 24200 Martindale** – He commented on parliament and procedure and noted when a motion is seconded it is on the floor and ready for discussion. When a motion is supported he feels that person literally supports it.

Trustee O'Neil asked for an update regarding the Bella Donna issue on the next agenda.

## **REPORTS**

**DDA** – Ms. Archer reported a salon ribbon cutting event that was held. Free pictures with Santa were offered at the Lyon Plaza area and there was a good turnout. There is a mailbox here at the Township Mall for Santa letters. The DDA will be holding a business network holiday get together 12/10 at Abbey Park. There was an accident on Thanksgiving morning at the east round-a-bout with a couple thousand dollars in damage. The DDA is looking to do improvements on lighting in the pedestrian walkways.

**Fire Chief** – Chief Van Sparrentak reported that the State inspectors were out to approve the Rescue One and it is in service and running well. They are looking at some software for medical billing. The new turnout gear has been ordered and they are expecting it in mid to late January.

**Sherriff** – Sargent Venus reported on a breaking and entering on Eight Mile Road. The new stop signs are installed at 9 Mile and Griswold. The patrols have increased at the intersection at 10 Mile and Napier.

**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** – Julie Foley resigned from the board. There will be no disc golf for the winter. They are asking for input on some budget items and they agreed to join the MRPA.

## **APPROVAL OF AGENDA**

**Motion by O'Neil, second by Cash  
To approve the agenda as presented.**

<b>Voice Vote:</b>	<b>Ayes:</b>	<b>Unanimous</b>
	<b>Nays:</b>	<b>None</b>

## **MOTION APPROVED**

## **UNFINISHED BUISNESS**

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

Mr. Doozan reviewed the McKenna Associates memo dated December 3, 2015. He explained because this case border's another community, review by the Oakland County Coordinating Zoning Committee was required. This review occurs after the Planning Commission acts on the Preliminary Plan and before the Township Board reviews the Preliminary Plan. The Coordinating Zoning Committee met on 10/13/15 and approved the plan that was recommended to the Board by the Planning Commission.

The following items are miscellaneous issues that need to be addressed:

1. Sheet L-2 must note that the cul-de-sac island will be irrigated.
2. It has been brought to their attention that street numbers on new homes are not readily visible at night, which is a public safety concern. For this reason, the Architectural and Design Guidelines should be modified to add a provision calling for street numbers that are at least four (4) inches in height and be located where they will be illuminated at night.

In conclusion, in response to the Township Board's comments, the applicant prepared a parallel plan, as described in the McKenna Associates memo. In addition, modifications were made to the proposed plans, including:

1. A reduction of two lots
2. An increase in the amount of open space (now 21.7% of total land area).
3. Protection of a greater proportion of the woodland in the northwest corner of the site.
4. Introduction of curves in the roads in the northwest part of the development, for visual interest and to address the long straightaways.

Trustee O'Neil commented that the parallel plan shows 133 lots and last month they were saying they were entitled to 143 lots. Mr. Doozan stated that is accurate.

Mr. Healy stated they had 143 lots at the last meeting. He stated that the parallel plan would not be an attractive plan. The new plan has a couple of jogs in the roadway, and they are trying to keep the backyards as large as they can. Mr. LeClair explained the lots were shifted and they ended up saving about 90 additional trees on the northern side. Mr. Healy stated they are saving more trees with fewer lots. The open space is 21.7% useable open space with an overall open space of 35.4% with 141 lots.

Trustee Adams questioned how much of Chubb Road will be paved? Mr. LeClair stated the whole frontage of the development along Chubb Road will be paved. Mr. Healy confirmed they are one lot over on the density. He commented that the density rules have changed. Mr. Healy stated the homes will be similar to Lyon Ridge or Woodwind Village; fronts will be brick or stone, with curved arches and side entry garages. Most of the homes will be colonials but there will be a few ranches.

Trustee O'Neil stated that they are looking for a recognizable community benefit. Mr. Healy stated that paving the road is a big benefit and the realignment of Chubb Road. They are saving a lot of woodland trees, the sub will have 43 extra trees on the berm, the landscaping around the park areas, the pavilion and playscapes are also a benefit. Mr. Healy stated that the other big benefit is the sewer and water; it will help everyone in Lyon Ridge and Copperwood communities. Trustee O'Neil stated that he did not consider in any way the sewer to be a benefit. Trustee O'Neil tried to quantify the additional density request, and questioned what each lot meant to Mr. Healy. Mr. Healy stated it has to be separated at the lot and the home is a separate profit item.

Trustee Dolan stated that he does not like the north side of the development and felt they are cramming homes in there just to make sure they get the sewer and the water part. He felt that it takes the character away.

Trustee Hicks stated that it's not his idea of a perfect place in the north section but the applicant did try to do something. One of the ongoing discussions was a traffic light, and he felt that the applicant needed to contribute to a light at Eight Mile and Napier Rd. Mr. Healy stated he would contribute especially if they get 141 lots.

**Michael, 26438 Schuman's Way** – He explained that he lives in a newer subdivision on Eleven Mile, and he has been doing research on all the building going on. He felt this was a poor presentation and the layout looks like track housing. His concern is that the developers/builders will not own up to what they are doing and these problems will continue to happen and they will build as fast as they can and cram in as many homes as they can. This is not Novi, and they don't owe the developers anything, ten years ago maybe they needed development, but they don't now. He asked that the Board stop and think about this. He is scared to pull out from Kroger due to the all of the traffic.

**Jim Hamilton** – He commented that it's not a benefit when the paving of the road is a requirement. The Planning Commission and the public have been shortchanged because neither saw this new plan.

**Steven Emsley, 51824 Eight Mile Road** – He commented that they didn't get a chance to see this plan. He stated that the applicant is not entitled to 141 lots, on the second parallel plan he is entitled to 139 to be fewer than 5%. If the northerly side will sell so good then forget the extra lots let them build the parallel plan. Don't give him the bonus; they aren't getting anything out of it. The applicant said that the crap lots sell better than the greenspace area so don't give him the bonus, reduce it. There is so much misdirection and not 100% of the truth coming out. He asked that the engineering reports be produced to show the water pressure will be good. There are many lots that are at a T-intersection which will allow headlights to shine into the homes. The applicant is asking for two over. The plan doesn't work.

**Mike Whitcomb, 25883 Carriage Lane** – He is a builder and he is friends with Mr. Healy. When he decided to move to Lyon Township it was because it was going to grow. All of a sudden it seems like we want that growth to stop. The benefits to the community will be worked out, it is a benefit to the community, the DDA is growing, and the downtown will start growing. In a nutshell, work out the details, they don't want to overdevelop it, but they can go further.

**Erica Burke, 54490 Birchwood** – She stated that Mr. Healy is her Dad. She lives in Woodwind Village and backs up to neighbors and she could not be happier. She chose to back up to neighbors because of the friendships that are made and the bonds that are made with this kind of a set up. It's a way of life. Having that park does increase value. She is in favor of Shadow Wood and the development of the community. There are so many new businesses, and the growth will help the schools stay good. There are certain people that like different things, some who like open space and some who don't mind backing up to roads. There is enough land in Lyon Township to live here.

**Darrel Dicks, 59228 Albert Lane** – He stated he is all for the growth, it's been sweet to watch the community grow. Everyone has benefited, he felt this project has a good strategic plan. He is out there every day and it's the coolest thing when people move into these neighborhoods. The growth expands the tax base.

**Donna, 27 Charlevoix** – She commented that she moved to Brighton and then moved back to the Township because she loves it. She said there are so many peoples welfare relies on the development. She agreed the Ten Mile area is too congested, but this development is the perfect spot.

**Garret Steel** – He does not live in the Township but Jack Healy has been a personal friend of his. He stated that Mr. Healy tries very hard to put together good subdivisions. He has done everything he could do to make this better. Milford Township does not have sewer and they can't have small lots and as a result everyone who lives on large acreage wants to be on smaller parcels so they want to move to the Village of Milford. He thought this was a great subdivision and great for the community especially on Eight Mile.

Supervisor Young has lived here for 32 years and he felt there is diversity of housing here and they have to weigh this proposal on what's allowed. The water could be considered a benefit because there are other areas of the Township that would benefit from looping the system and he agreed that the sewer component is a debatable benefit. Paving roads, even though it's a requirement is a public benefit. All of the roads except the new ones in the DDA have been paid for by developer money. Every growing community goes through the traffic issues. The geometry of the land dictates what has to be done. He felt the density should be discussed since they are off by a lot or two and the applicant has rights per the ordinance to build.

Treasurer Carcone agreed. She would like Mr. Doozan to clarify the T-intersections.

She felt that Mr. Healy needed to come to the plate with some public benefits. She is not as crazy about the north side of the project and she doesn't like it. The south side is nice but she thought Martha Lane could have a larger buffer.

Mr. Doozan explained in terms of traffic safety, the T-intersections are safer than four way intersections. With respect to the north end, they do count that area as open space but the applicant is over in terms of the open space. In terms of the density, the parallel plan shows 133 lots, the PD Ordinance allows a 5% density bonus which equates to 139.65 lots and if rounded up comes to 140 lots. The applicant is proposing 141 lots. In terms of the layout in the northwest area, the geometrics determine what they can do with the property.

Treasurer Carcone stated picking the lots is a preference. She lives in a lot that backs up to another home and people will choose where they want to live and how they want to live.

Trustee Dolan stated that this Board has been the most supportive of growth, they have not stopped growth; he felt they have done an amazing job and stated that they are not anti-growth. He just didn't think the north side looked good, he is not trying to stop growth just make it a pleasing place to live.

Clerk Cash agreed with Trustee Dolan with regard to the northern side. She questioned what the Township benefit is for the extra density due to the fact that we have so much congestion with all of the new people on the roads. She knows water will help with fire protection in the southern half of the township but she did not see the public benefit that is being required for the extra lots being requested.

Trustee O'Neil stated that the way the southern piece looks is nice and has some nice benefits but he feels the opposite of the northern area. Trustee O'Neil stated that no one would want to live in the parallel plan, without density bonuses people will still want to build a PD.

Mr. LeClair started project in 2014, brought the project to the Planning Commission and Board for conceptual review. Upon completion of the conceptual review process they had a recommendation for approval from McKenna Associates, CES and the Township Engineer and Planning Commission. They are dealing with a piece of property in the north section that is a challenge, but every piece of property is unique in its own way. They think this development will be very nice. The straight zoning has a lot averaging section. This difference between the two allows the township to enter into a negotiation to allow certain density credits in exchange for certain benefits. The other option with straight zoning allows the developer to submit a parallel plan to determine the density. The lot averaging scenario will have more characteristics of a parallel plan. Yes, they can change it, but this is a very a good plan.

Trustee O'Neil stated that he did not read in the McKenna Associates memo or the CES memo a recommendation to approve this project. He has concerns with the balance of community benefits.

**Motion by Hicks,**

**To approve the plan with 140 lots with the paving of Chubb Road the length of the property, the landscaping perimeter installed before any homes are built, a contribution of a minimum of \$40,000 to the traffic signal at Chubb Road and 8 Mile. Including the conditions of the McKenna Associates memo dated 12/3/15 and the CES memo dated 12/7/15. The motion was not supported.**

**MOTION FAILED**

**Motion by O'Neil, second by Cash**

**To approve Shadow Wood – Preliminary Planned Development Option 2; AP-14-57 with 133 lots and the paving of Chubb Road the length of the property and all comments in the review letters of McKenna Associates dated 12/3/15 and CES 12/7/15.**

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

**MOTION APPROVED**

Supervisor Young called for a 5 minute recess at 9:11 p.m.  
Supervisor Young called the meeting back to order at 9:19 p.m.

**B.      Water System Project Update**

Loren Crandall, Giffels Webster gave a brief update regarding the South Hill well improvements which will cost \$290,000 and will be done in February of 2017 if the project was started now. Ms. Zawada confirmed this project will run both wells.

Trustee O'Neil questioned why this is high on the priority list. Mr. Crandall stated it's an inexpensive way to improve the reliability of the system and increase the firm capacity.

The next project is the iron removal project. Mr. Crandall gave a brief explanation and explained that the Woodwind Well was designed for more capacity. He briefly reviewed the alternatives and the respective costs for each option. He stated he is hoping the study shows they can use the Woodwind Well and provide treated water next summer to the residents.

### **C. Water System Rate Increase Discussion**

Supervisor Young reviewed his December 2, 2015 memo explaining the water system rate increase. He explained in order to meet the demand for increased water capacity as well as improvements to system pressure and water quality the increases are necessary. He listed the capital improvement projects that are necessary to be implemented in specific years and estimates of the costs to complete.

#### **Motion by Cash, second by Hicks**

**To adjust the rates beginning March 1, 2016 for the next billing cycle, base rate tier one \$59.05, volume rate tier two \$17.91 and approving the utility fee schedule dated 12/7/15.**

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

### **MOTION APPROVED**

### **NEW BUSINESS**

#### **A. Request to Approve Transfer of Liquor License to Katherine's Catering**

Linda Mayer, Attorney for Oakland County Parks and Recreation. She explained that they are changing their food and beverage at Lyon Oaks. Katherine's Catering is the new food and beverage supplier. There are no material changes to the park or building.

#### **Motion by Cash, second by Carcone**

**To approve the transfer of the liquor license from Oakland County Parks and Recreation and E.A. Fuller to Oakland County Parks and Recreation and Katherine's Catering**

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

### **MOTION APPROVED**

#### **B. Engineering Contract Award for Water System Improvements: Johns Road and Altitude Valve**

The bids were briefly reviewed.

#### **Motion by Cash, second by O'Neil**

**To award the contract to the low bidder, Civil Engineering Solutions, Inc. for the Johns Road Water Main project at \$58,530.00.**

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

**MOTION APPROVED**

**Motion by Cash, second by Dolan  
To approve the second job of the altitude valves to the low bidder Civil Engineering Solutions, Inc. for \$25,245.00.**

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

**MOTION APPROVED**

**C. Purchase Agreement for Street Lighting at Martindale and Pontiac Trail**

Supervisor Young explained Edison won’t contract with private entities so they contract with the Township.

**Motion by Hicks, second O’Neil  
To approve the purchase agreement for the new street light installation at Martindale Road and Pontiac Trail.**

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

**MOTION APPROVED**

**D. Amendments to the General Code of Ordinances related to Definition of Holidays and Construction Noise Limitations**

**Motion by O’Neil, second by Dolan  
To approve the first reading of Ordinance No. 20-15.**

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

**MOTION APPROVED**

**E. 2016 Law Enforcement Services Agreement**

Supervisor Young explained there are no changes other than the fee schedule for what is paid in the different classifications and they added lieutenant to that.

**Motion by Dolan, second by Cash  
To adopt the 2016 Law Enforcement Services Agreement with Oakland County.**

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

**MOTION APPROVED**

**F. Supervisor's Appointments for Downtown Development Authority 2015**

Supervisor Young explained 4 people were interviewed. Kathleen Hart was the unanimous choice from the interview committee.

**Motion by Young, second by Dolan  
To appointment Kathleen Hart to fill the rest of Brian Wallace's term through November 2016 on the DDA Board.**

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

**MOTION APPROVED**

**G. DDA Purchase of Two properties on Rice Street**

Ms. Archer explained the DDA has a parking vision plan and an implementation plan. The DDA is to create a parking plan that will decide where the public parking will be located. They are interested in the two adjacent parcels to Crossroads Mall at a cost of \$138,000 for both parcels. There is a house located on parcel A which will become revenue producing rental property until they decide to move forward. As they develop the downtown they are finding that there are shortages in parking.

**Motion by Cash, second by O'Neil  
To approve the offer to purchase real estate located at 56850 Rice Street, New Hudson, MI 48165 for \$115,000.**

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

**MOTION APPROVED**

**Motion by Cash, second by O'Neil  
To approve the offer to purchase real estate located at 56862 Rice Street, New Hudson, MI 48165 for \$23,000.**

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

**MOTION APPROVED**

**H. 2015 Budget Amendments**

Supervisor Young explained there is only one budget amendment for the streetlight department because they had to contract with Pulte.

**Motion by O'Neil, second by Cash  
To accept the Supervisor recommendation that the budget is amended for line item 101.448.920 to be \$83,932.00**

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

**MOTION APPROVED**

**Motion by Carcone, second by Cash  
To move into closed session at 10:42 p.m. in order to discuss attorney/client privileged communication.**

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

**MOTION APPROVED**

**TO RECESS MAIN MEETING AND GO INTO CLOSED SESSION**

**Motion by Adams, second by Carcone  
To re-open the regular board meeting at 11:01 p.m.**

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

**MOTION APPROVED**

**Motion by Cash, second by Carcone  
To direct the Township Attorney to proceed as discussed in the closed session.**

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

**MOTION APPROVED**

**ADJOURNMENT**

**Motion by Hicks, second by O'Neil  
To adjourn the regular meeting at 11:03 p.m.**

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

**MOTION APPROVED**

The Board of Trustees meeting was adjourned at 11:03 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

*Michele Cash*

Kellie Angelosanto  
Recording Secretary

Michele Cash  
Township Clerk