

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
January 4, 2016

Approved: **FEBRUARY 1, 2016**

The meeting was called to order by Trustee Hicks at 7:00 p.m.

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

Absent: Lannie Young

Guests: 14

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

Supervisor Young's absent was excused due to vacation.

APPROVAL OF CONSENT AGENDA

Approval of Regular Meeting Minutes of December 7, 2015
Approval of Disbursements
Building Department Report for November 2015
Engineering Report January 2016
Fire Report November 2015
Zoning Reports for December 2015

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

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Clerk Cash reported that March 8th, 2016 is the Presidential Primary.

Absentee ballot applications are available and resident who want to vote absentee can come to the Township Hall, email or call for an application. The absentee ballots will be mailed out by the 4th of February after the machines are tested.

Trustee Hicks reported on this day in 1954 Elvis Presley recorded his first demo record in Memphis. Also in 1865 the New York Stock Exchange opened its first permanent headquarters.

CALL TO THE PUBLIC

Anne Polan, 25000 Belladonna Drive – She wanted to comment regarding the ongoing water problems on Belladonna Drive. The water issues are greater than when they started in 2013. There are 13 homeowners on Belladonna Drive and 7 of them are directly affected by this water issue.

REPORTS

DDA – Ms. Archer reported that the DDA closed on two parcels on Rice Street. There is one parcel that has a rental property on it and the existing tenants will remain. A meeting to form a strategic plan for parking in the DDA area will be held soon. Water Commission Steering Committee will be meeting on 1/13/16. There will be a ribbon cutting ceremony for the Mitten Vet Clinic soon. On 2/18/16 a ground breaking ceremony for Gilden Woods will be held. There is a new dentist office in the Lyon Industrial Research Center. In 2016 the building that houses the New Hudson Inn will be celebrating their 185th birthday; they will be working with the Township to restore the façade to the original look of the building. They are trying to determine if the tavern is the longest running operating tavern in the State and if so they will be eligible for a historical marker.

Fire Chief – Chief Van Sparrentak reported the rules and regulations have been finalized and he will send those to the Board this week. He received a contract proposal with Accumed and that has been reviewed but will be further reviewed as a final draft and will be forthcoming next month to the Board.

Sherriff – Lieutenant Venus reported on 12/21/15 that Shop with a Hero Event took place and 41 kids were able to shop. The holidays were quiet, nothing out of the ordinary.

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

ZBA – Trustee Hicks reported that there was no meeting.

Park Advisory Board – There was no meeting.

APPROVAL OF AGENDA

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

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

MOTION APPROVED

UNFINISHED BUISNESS

A. Second Reading of Amendments to the General Code of Ordinances Related to Definition of Holidays and Construction Noise Limitations Ordinance No. 20-15

Mr. Doozan explained this will bring the General Code of Ordinances into compliance.

**Motion by Cash, second by O'Neil
To adopt Ordinance No. 20-15 Legal Holiday Definition and Construction
Noise Limitation Ordinance.**

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

MOTION APPROVED

NEW BUSINESS

A. Parallel Plans – Zoning Ordinance Amendment; AP-15-63

Mr. Doozan reviewed the McKenna Associates memo dated December 15, 2015. The Planning Commission recommends two amendments to the Zoning Ordinance that would make submittal of a parallel plan a requirement for all Planned Developments. These amendments are necessary to achieve a more accurate method of determining the appropriate project density.

Treasurer Carcone asked for an explanation regarding regulated wetlands. Ms. Zawada explained that regulated are defined by the State. Part of it is the soil characteristics and plant materials. You can fill wetlands if the appropriate permit is provided. If it's 1/3 of an acre or less then it doesn't have to be mitigated. If more is filled than that then it has to go to the Federal Government.

Trustee O'Neil suggested looking at a wetland ordinance but there were concerns discussed about the administration of such an ordinance.

Trustee Dolan suggested adding language to make it clearer.

Stephen Emsley, 51824 Eight Mile Road – Mr. Emsley commented that the Township does not have any old growth hardwood but they do have temporal wetlands that grow and shrink. The DEQ steps in at 5 acres or if it touches another body of water. 13.9 acres are being filled and unlike neighboring communities we don't have an ordinance to protect wetlands and these temporal wetlands are unique and an important natural feature. He suggested looking at protecting wetlands between 3 and 5 acres.

**Motion by O'Neil, second by Carcone
To Move AP-15-63 to second reading.**

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

MOTION APPROVED

B. Saddle Creek PD Amendment – Minor Modifications; AP-15-62

Mr. Doozan reviewed the McKenna Associates memo dated December 15, 2015. As required, the Planning Commission held a public hearing on December 14, 2015. Three people commented and all were generally in favor of the amendment. Following the public hearing, the Planning Commission approved a motion to recommend approval of Saddle Creek Third Amendment to Planned Development Agreement. Consequently, he recommended a first reading.

The key paragraph reads as follows:

Minor modification to the approved Planned Development plans may be approved by the Township Planner, which approval shall not be unreasonably withheld; any such modification shall not require an amendment to this Agreement. Minor modifications that may be approved include reductions in setbacks in connection with the construction of a new home and related improvements, deck locations and changes in location, number or species of required trees and other landscape material.

Trustee Adams stated that he visited this site and felt that there is a definite need.

Trustee O'Neil felt that a definition of "minor" is needed and he is concerned about the involvement of setbacks.

Motion by Adams, second by Cash

To approve AP-15-62 to allow the minor modifications on planned developments to be approved by the Township Planner.

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

MOTION APPROVED

C. Request to Join the Michigan Recreation and Park Association

Mr. Doozan reviewed the McKenna Associates memo dated December 17, 2015.

The Parks and Recreation Advisory Board request the approval of the Township Board to join the Michigan Recreation and Park Association. The MRPA was founded in 1935 to provide advocacy, resources, and professional development opportunities to park and recreation agencies, professionals, vendors and advocates. He recommended the trial of one year for this program since it would be a great source of information and resources about design and development for the Township.

Motion by O'Neil, second by Dolan

To approve the request to join the MRPA as a premier agency member at the cost of \$480.00.

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

MOTION APPROVED

D. Resolution 2016-01 Adopting Amended Utility Fee Schedule

Ms. Zawada reviewed the CES memo dated December 23, 2015. She explained per the Township's contract with Lyon Wastewater the Township's sanitary sewer capital charge is required to be increased by the 11-Bond Index.

Motion by Cash, second by Carcone

To adopt Resolution 2016-01 Amended Utility Fee Schedule.

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

MOTION APPROVED

E. Resolution 2016-02 Adopting the Poverty Guidelines for the Board of Review 2016

Motion by O'Neil, second by Cash

To adopt Resolution 2016-02 the Poverty Guidelines for the Board of Review 2016.

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

MOTION APPROVED

F. Salary Resolutions for 2016

Motion by O'Neil, second by Cash

To approve Salary Resolution 2016-05 for the Supervisor's salary.

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

MOTION APPROVED

Motion by O'Neil, second by Dolan

To approve Salary Resolution 2016-03 for the Clerk's salary.

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

MOTION APPROVED

Motion by O'Neil, second by Cash

To approve Salary Resolution 2016-04 for the Treasurer's salary.

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

MOTION APPROVED

Motion by Cash, second by Carcone

To approve Salary Resolution 2016-06 Trustee's salary.

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

MOTION APPROVED

G. Civil Engineering Solutions Contract Extension

Ms. Zawada reviewed the CES memo dated December 30, 2015. She is requesting a three-year contract extension and a fee increase. The Township Board and Civil Engineering Solutions, Inc. (CES) entered into a contract in June of 2011. This is their first request to increase their rates since the original contract.

Motion by O'Neil, second by Dolan

To approve contract for professional services with CES per the schedule outlined in the letter dated 12/30/15 and the attached exhibit A fee schedule.

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

MOTION APPROVED

H. Resolution to Establish a Speculative Building in the Lyon Industrial Research Center

Ms. Archer reviewed her memo dated 12/22/15. At the November 2, 2015 Township Board meeting, the Township Board of Trustees established Industrial Development District #11. This district is located in the Lyon Industrial/Research Centre off of Grand River just east of Lyon Center Drive East. On November 4, 2015, the township clerk received an Industrial Facilities Tax Exemption application from the D'Agostini Land Company, LLC requesting a Speculative Building status be established for an industrial facility they plan to construct at 30116 Research Drive, Unit 6, New Hudson, MI 48165.

Motion by Cash, second by Dolan

To approve resolution 2016-7 to recognize speculative building status at 30119 Research Drive, Unit 6, New Hudson, MI 48165 with tax ID number 21-03-401-006.

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

MOTION APPROVED

ADJOURNMENT

Motion by Carcone, second by Cash

To adjourn the regular meeting at 8:05 p.m.

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

MOTION APPROVED

The Board of Trustees meeting was adjourned at 8:05 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash

Michele Cash
Lyon Township Clerk