

Charter Township of Lyon  
Board of Trustees  
Regular Meeting Minutes  
February 1, 2016

Approved: **March 9, 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: 35

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

**APPROVAL OF CONSENT AGENDA**

Approval of Regular Meeting Minutes of January 4, 2016

Approval of Disbursements

Building Department Report for December 2015

Engineering Report February 2016

Fire Report December 2015

Zoning Reports for January 2016

Oakland County Sheriff 2015 Annual Report

Acceptance of the Water Main and Sanitary Bills of Sale for the Enclaves of Lyon Phase II

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

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

**MOTION APPROVED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

Clerk Cash reported that the absentee ballots are ready to go out. If anyone would like to get an application for an absentee they can request one from the Clerk's Department.

Trustee O'Neil thanked Sherriff Venus for taking the time to read at Kent Lake Elementary School where his wife is a teacher.

Trustee Hicks reported on this day in 1893 Thomas Edison completed the first movie studio in New Jersey.

Treasurer Carcone reported the last day to pay taxes is February 16, 2016.

Judges Robert Bondy, Travis Reeds and David Law from the 52-1 District Court briefly explained what the court does and what kind of programs are offered.

### **CALL TO THE PUBLIC**

**Stephen Emsley, 51824 Eight Mile**– He asked that the Board add the budget overrun to the Griswold Road improvements to the agenda.

**Meghan Prindle, 4480 Orion Road from the Six Rivers Land Conservancy** – Ms. Prindle introduced herself to the Board and explained she is a land owner and outreach coordinator. She works mainly in the Huron River Watershed and she would like to be a resource to the community. She provided information regarding upcoming meetings that will be held in the area.

### **REPORTS**

**DDA** – Ms. Archer reported the Mitten Animal Hospital had their open house and ribbon cutting on January 16, 2016 with over 50 people in attendance. She gave a brief explanation of the Welcome to Lyon initiative. She will be attending Capital Day on February 23, 2016 and will provide the opportunity to discuss issues that are specific to economic development. She has been attending the Water Resource Commission REU Steering Committee meetings along with Ms. Zawada. The DDA has issued a public parking study to McKenna Associates and they have been tasked where future public parking lots can be located. The One Stop Ready Team will not be accepting anymore communities for 2016 instead they will focus on training for communities that have already been through the program.

**Fire Department** – Chief Van Sparrentak reported for the year 2015 there were 1365 calls that is up from the year prior. Also, he provided a survey that the fire department members participated in and there are items that need to be addressed in the future such as shift coverage, health care and impact on the budget. He will keep the Board updated regarding those items. Over the last few weeks they have been very busy with some bigger events in the area and he recognized the fire fighters who were the first to administer Narcan during a respiratory failure today and saved a life. Thank you to Sgt. Nate Sturos, Fire Fighter Brian Salenik, Fire Fighter Andy Bond and Fire Fighter Alex Pajkowski.

**Sherriff** – Lieutenant Venus reported that it has been one month with the new staff additions and January has been a slow month. He also recognized the Lyon Township Firefighters for their work.

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

**ZBA** – Trustee Hicks reported that there was no meeting.

**Park Advisory Board** – Trustee Hicks reported two members resigned their positions. A presentation regarding Cycle Cross was provided. An election of officers was also held. Treasurer Carcone reported that \$16.00 was collected for disc golf recently. Trustee Hicks also commented that he attended the Mitten Animal Hospital open house and was very impressed by the facility.

**Administration Report** – Supervisor Young reported on the waste water treatment plant expansion. There is a report from the MDEQ that states the Township is slightly in violation of the inorganic nitrogen. He explained how the Township will fix this issue. He gave a brief history of the Griswold Road project and explained that the township's expenditure on a \$3.3 million dollar road project was \$469,000 which is a great deal.

### **APPROVAL OF AGENDA**

Trustee Adams suggested adding televising of the Board Meetings and Water Discussion to the agenda.

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

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

### **MOTION APPROVED**

### **UNFINISHED BUISNESS**

#### **A.     Second Reading of Parallel Plans – Zoning Ordinance Amendment; AP-15-63**

Mr. Sloan explained the proposed revisions and stated the amendments are ready for adoption.

**Motion by O'Neil, second by Dolan  
To adopt Ordinance 01-16 as amended.**

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

### **MOTION APPROVED**

#### **B.     Second Reading of Saddle Creek PD Amendment – Minor Modifications;**

## AP-15-62

Mr. Sloan gave a brief history of the proposed amendment and stated it is ready for adoption.

Trustee O'Neil explained he has concerns with this amendment. This proposal would take the authority of the Board and give the ability to a single person who is not an appointed official or elected official and he is not comfortable with that. If it was specific towards a deck or a patio, something less structural, then he would be ok with it

Supervisor Young suggested defining "minor modifications". Trustee O'Neil suggested adding minor modifications, does not allow modifying the setbacks of the home. Ms. Elowsky suggested having the administrative committee study this and come back with suggestions.

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

**To table AP-15-62 until the next meeting pending investigation by the Administrative Committee to more clearly define what a minor modification is.**

**Dan Cash, 57097 Cash St.** – He questioned if they would notify a neighbor or residents in a certain amount of distance from a house that was granted a minor modification so they are aware something like this was granted.

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

### **MOTION APPROVED**

#### **C.     Belladonna Update**

Ms. Zawada referenced the CES memo dated January 28, 2016. After briefly reviewing the concerns of drainage which were raised by several property owners, based on the survey, she proposed to design a solution to lower the culvert under the Petty/Polan driveway and connect this directly to the crock with a leaching basin (type of manhole), which would outlet through the Brandon parcel. The next step would be to extend the outlet pipe of Carriage Club Phase III all the way to the culvert under the Hoskins driveway which would allow the Carriage Club drainage to continue on the south side of Kendzie parcel.

In order to accomplish this, an easement would be required from the Hoskins parcel and a funding source would need to be identified. Ms. Zawada explained that attaining the easements and meeting with the residents would be the big issue.

The Board agreed they are willing to proceed and see where things go.

**Motion by Dolan, second by Adams**

**To authorize Ms. Zawada to proceed and bill the Township at her hourly rate.**

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

**MOTION APPROVED**

**Gary Bidwell, 21500 Belladonna Dr.** – Mr. Bidwell stated that this has only happened in the last 3 years, after the last phase of the development was done. He questioned how Carriage Club can just dump water on private property. IF this doesn't work, then the only alternative would be a law suit. The property was surveyed again and the water is on his property not Hoskins property. He questioned why the pipe couldn't be placed on his property. Ms. Zawada explained the farm tile is on the Hoskins property.

**NEW BUSINESS**

**A. Medical Marijuana Regulations; AP-15-59**

Mr. Sloan reviewed the McKenna Associates memo dated January 26, 2016. He explained the Planning Commission recommended approval of the amendments to the zoning ordinance with the addition of the spacing requirements dealing with medical marijuana.

**Stephen Emsley, 51824 Eight Mile Road** – Mr. Emsley commented that he was a caregiver before. A legitimate caregiver doesn't have people/traffic at their house every day. He stated the big cooperatives and dispensaries have the problems. The nuisance to the odor, he suggested there are ways to mitigate it. He didn't quite understand the R-1 to R.5, he didn't know why his neighbor in R-1 could do it but he couldn't in R.5. There are protections under the law.

**Motion by Carcone, second by Cash**

**To approve the 1<sup>st</sup> reading of the Medical Marijuana Regulations described in the McKenna Associates memo dated January 26, 2016.**

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

**MOTION APPROVED**

**B. Legacy of Lyon – PD Size Waiver; AP-16-02**

Mr. Sloan reviewed the McKenna Associates memo dated January 26, 2016. Brad Botham, on behalf of Pinnacle Homes, submitted a request for a waiver from the 40-acre minimum parcel size that applies to planned development. Pinnacle Homes would like to develop Legacy of Lyon, a 48-unit empty nester single-family community, as a planned development, upon making the determination that the criteria for conditional rezoning cannot be met. He explained by a 6-1 vote, the Planning Commission approved a motion to recommend approval of the parcel size waiver to allow Legacy of Lyon to be reviewed as a Planned Development.

Treasure Carcone explained that they have always talked about removing the 40 acre minimum and the Planning Commission did discuss it at length. Treasurer Carcone explained that there were no residents that commented regarding the waiver.

Mr. Botham explained he is requesting a size waiver and they have met with the neighbors and felt that they have addressed some of their concerns.

Trustee Adams commented on the amount of traffic on Ten Mile Road and his concerns regarding adding additional homes in that area.

**Motion by Hicks, second by Carcone  
To waive the PD size requirement for the Legacy of Lyon AP-16-02.**

Trustee O'Neil and Trustee Dolan raised the concern that they didn't want to give the applicant any indication that this was a guarantee with regard to the density that is being proposed for this project just because they agree with waiving the 40 acre minimum.

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

**MOTION APPROVED**

**C.      Johns Road Water Main and Altitude Valves-Valve Order**

Ms. Zawada referenced the CES memo dated January 28, 2016. She explained the Altitude Valves take about 6-8 weeks after the shop drawings are approved. Therefore, she recommended that the Township purchase the components directly from the distributor, Kennedy Industries, at this time so the project can stay on schedule. She recommended that the Township purchase the components for a price of \$69,335.00 from Kennedy Industries. It's not possible to obtain three bids for these components since one type of valve and components have been specified and there is only one local distributor.

**Motion by Cash, second by O'Neil  
To approve the purchase of the Altitude Valves from Kennedy Industries  
for \$69,335.00 as indicated in the CES memo dated January 28, 2016.**

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

**MOTION APPROVED**

**D. Lyon Township Hall Building Expansion – Additional Scope**

Ms. Zawada explained that the new area is almost complete. They asked for prices to re-carpet some areas while the work is going on, along with painting and removing wall coverings. They also have a furniture company coming in to reevaluate what is needed. She provided the prices for the additional construction work. She did not expect any action since the prices were just received.

Supervisor Young reminded everyone this building expansion is not being paid through tax dollars. Trustee O'Neil commented that the building is 20 years old and things do need to be replaced to keep up the people's hall.

Stephen Emsley commented on private industry instead of an incremental deal. The Board scheduled a special meeting on February 17, 2016 at 5:00 p.m.

**E. AccuMed Billing Service Agreement**

Chief Van Sparrentak referenced his memo dated January 12, 2016. He explained that the Lyon Township Fire Department wishes to partner with AccuMed Billing, Inc. to provide cost recovery services for emergency medical service from MTFD transports.

The cost recovery will allow LTFD to offset the use of Rescue 1 and the forthcoming Rescue 2 equipment and personnel costs.

**Motion by O'Neil, second by Dolan  
To approve the AccuMed Billing Service Agreement for a period of 3 years.  
as presented.**

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

**MOTION APPROVED**

**F. ESO Solutions EMS Software Service Agreement**

Chief Van Sparrentak referenced his memo dated January 12, 2016. He explained the Lyon Township Fire Department wishes to partner with ESO Solutions to provide EMS

software that will allow their first responders the capability of documenting information as it happens.

As part of this agreement, all members of the LTFD will be trained on the use of the software and field functionality. As a partner with AccuMed, they are entitled to an approximately 45% discount on the annual maintenance and service costs. The annual invoice will be \$2,961.00 which will be funded through the Fire Department budget.

**Motion by Cash, second by Adams**

**To approve the purchase of the ESO Solutions EMS Software Service Agreement for the annual invoice of \$2,961.00 that includes training.**

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

**MOTION APPROVED**

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

**To move the agenda item televising of the Board meetings to item G on the agenda.**

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

**MOTION APPROVED**

**G. Televising the Board Meetings**

Trustee Adams stated a lot of the residents have requested that the meetings be televised and he felt it was prudent to bring this option to the residents.

Trustee Dolan stated he has watched the South Lyon City Council and it is a professional way to do things. He thought it was a great idea to stream the meetings to the website. He is all for it.

Trustee O'Neil stated that if they decided to move ahead he would want to keep the cost reasonable. He had no problem going through with it.

Trustee Hicks stated he doesn't have a strong opinion for or against it but felt the technology would be much better now.

Supervisor Young suggested taking the PEG funds and better service the residents that come to the meetings and put up an overhead projector and at least initially engage the residents that are here. There are many ideas that they can use. He would not be in

favor of televising anything until they utilize this building and engage the residents that attend the meetings. He is not opposed to streaming.

Trustee Adams felt that televising it would be a benefit to the people that are stuck in their homes and can't get out to attend the meetings.

Treasurer Carcone stated she likes the idea of video streaming on the website but she would like to know the costs.

**Phil Mitchell, 27541 T.F. Hicks** – He liked them to consider it as an option. Costs have come down and he knew one resource that would be glad to give them numbers. If they want to do it in stages, keep in mind some of the equipment can do dual purpose. He is glad that they can finally do some things that are progressive. Those that can't always attend would provide one way to document.

**Robin Allen, 28550 Tindale Trail** – There are only a few people that come to the meetings on a regular basis. He has spoken to some people that would like to have this service. People are busy and can't always attend. He appreciated everyone's comments, but they are behind the times and this will help to inform the public and provide transparency.

**Mike Buck, 55221 Nine Mile Road** – He stated that they are talking about the PEG fees and he stated that those can only be used for brick and mortar by Federal law, it cannot be used for personnel.

**Dan Cash, 57097 Cash St.** He commented that he is in favor of the video streaming but he is concerned with the ability to add items to the agenda because he just happened to be off of work tonight and came by to see what was going on and then two items were added to the agenda. He wondered how many people would have showed up. He didn't think it looked good to the community to add items to the agenda.

**Motion by Adams, second by Dolan**

**To approve the Board to obtain the prices of the interior cameras, video equipment and the pricing to video stream the meetings.**

**Voice Vote: Ayes: Unanimous**

**Nays: None**

## **MOTION APPROVED**

### **H. Road/Traffic Improvements Discussion**

Trustee O'Neil commented he has been thinking about taking the general fund dollars that they are not spending now on fire services and direct the funds towards general quality of life improvements. He asked Dennis Kohler from the Road Commission for a list of projects that would benefit and have an immediate impact. Some of the ideas were widening intersections to install center left turn lanes, install passing lanes,

modernizing existing signals, paved railroad approaches to main streets to 150', among others.

He thought made sense to ask Ms. Zawada to meet with the Road Commission and come up with a list of priorities where these projects could be done.

There was brief discussion regarding big ticket items and smaller items that can be done quickly.

## **I. Approval of Deputy Chief Command Vehicle**

Chief Van Sparrentak referenced his January 12, 2016 memo. He explained the new Deputy Chief Command Vehicle was ready for delivery. If they choose to have it delivered it is an additional \$174.00.

Some concerns were raised as far as getting different quotes, purchasing such a large item without Board approval, instituting a vehicle policy or purchasing the bigger vehicles.

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

**To approve the request for a 2016 Chevy Tahoe for the Deputy Chief for a total of \$38,101.40 including the cost of the vehicle title work and delivery to be taken from the fire equipment line item.**

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

## **MOTION APPROVED**

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

**To draft a vehicle use policy for the employees to be brought to the Board for the March meeting.**

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

## **MOTION APPROVED**

## **J. Water Discussion**

Trustee Adams stated that with all for the concerns of bad water he felt it was prudent that the Township test the water for the residents and reassure the residents that our water is safe. Ms. Zawada explained the water is tested yearly but she will find out how often it is tested. She explained the lead did not come from the water source but from old plumbing.

**ADJOURNMENT**

**Motion by Cash, second by Carcone  
To adjourn the regular meeting at 11:02 p.m.**

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

**MOTION APPROVED**

The Board of Trustees meeting was adjourned at 11:02 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary

*Michele Cash*

Michele Cash  
Lyon Township Clerk