

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
March 9, 2016

Approved: **APRIL 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: 27

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

APPROVAL OF CONSENT AGENDA

Approval of Regular Meeting Minutes of February 1, 2016
Approval of Special Meeting Minutes of February 17, 2016
Approval of Disbursements
Building Department Report for January 2016
Engineering Report March 2016
Fire Report January 2016
Zoning Reports for February 2016
Bill of sale for water main and sanitary sewer for Pinehurst Phase III
Bill of sale Tanglewood Greenbriar Phase 1 (lots 1-35)
Tanglewood Greenbrier Phases 2&3 bills of sale for water main and sanitary sewer
Bills of sale for water main and sanitary sewer Saddle Creek PD Phase 5
Orchards of Lyon II phase 1 bill of sale for water main and sanitary sewer
Henrob Corporate Campus bills of sale for water main and sanitary sewer
Water test sample results

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

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Clerk Cash reported Lyon Township had a 40.07% voter turnout and the entire county had a 40.24% voter turnout.

Trustee Hicks reported the Township had an opportunity to present an article for Focus Magazine, that article was submitted today. On this day in 1832 Abraham Lincoln announced he would run for political office for the 1st time and was unsuccessful, he ran for a seat in the Illinois Senate. Also, the Barbie doll turns 57 today.

Treasurer Carcone reminded residents if they have not paid their 2015 taxes yet they must get a revised statement and take it to the County to pay, it cannot be paid at the Township. The tax roll will be settled by the end of this month. She will confirm the numbers next month but she believes the tax roll collected was around 99% collected for the summer and 97% for the winter taxes collected.

CALL TO THE PUBLIC - None

REPORTS

DDA – Ms. Archer reported that a welcome to Lyon Township ribbon cutting event will be 51619 Ten Mile Road for a medical location. Working with Giffels Webster regarding the New Hudson Drain. The DDA Design and Appearance Committee reviewed the parking plan. A conceptual plan was turned in for the old Putter's property. The New Hudson Inn will be temporarily closed to do some remodeling and this building was built in 1831 and will be celebrating its 185th birthday.

Fire Chief – Deputy Chief Berry reported there have been 277 runs for the year so far. There have been a few fires that took place in the same evening and a fire in Kensington Mobile Home Park recently. Working on the specs for the new rescue for the Chief. Department annual report was also provided to the Board members.

Sheriff – Lieutenant Venus reported an assist of Midland County for an open murder warrant, when an individual moved back into the Township and was being investigated for a 1991 homicide. He was taken into custody with no problems. This was a cold case investigation. Due to the weather events recently they were dealing with accidents. An officer injured was struck by a mirror during a traffic accident.

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

ZBA – Trustee Hicks reported that there was no meeting.

Park Advisory Board – Trustee Hicks reported they are still in need of two members. Discussed the layout of the park and how to try and fit two baseball fields for the junior league. Sean Morgan coordinator of the disc golf wants to get \$500 towards a disc golf tournament and he will try to get sponsors.

APPROVAL OF AGENDA

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

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

MOTION APPROVED

UNFINISHED BUISNESS

A. Second Reading of Saddle Creek Planned Development Amendment – Minor Modifications; AP-15-62

Mr. Doozan referenced the McKenna Associates memo dated March 2, 2016 he explained he revised the amendment due to the two principal concerns of the scope of minor modifications and the desire to notify surrounding property owners about a proposed modification.

Trustee Adams stated it was a very minor modification in this case. Trustee O'Neil commented that there is now language to what a minor modification is and the notification of neighbors was addressed, he thought his concerns were addressed.

**Motion by O'Neil, second by Hicks
To approve AP-15-62 as amended.**

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

MOTION APPROVED

B. Second Reading of Medical Marijuana Regulations; AP-15-59 – Ordinance 03-16

Mr. Quinn stated this was discussed at the last meeting and the ordinance brings the Township up to date and complies with State law.

**Motion by Hicks, second by Cash
To adopt the Second Reading of Medical Marijuana Regulations; AP-15-59
Ordinance 03-16.**

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

MOTION APPROVED

NEW BUSINESS

A. Library Presentation by Quinn Evans Associates

Holly Teasdale gave a brief introduction regarding the presentation from Quinn Evans Associates.

Jim Mumby, Ann Dilcher and Kris Enlow provided a power point presentation regarding the needs assessment and feasibility study. The study provided information regarding the cost, the location and the services the library would provide.

1. Library Board Request for Township Board to Deed Property

Ms. Teasdale reported that the Library Board requested that the Township deed the property for the library construction. There was a memo from Leann Kimberlin explaining the 3 different options available to the Township to transfer the property over to the library.

Supervisor Young stated there are details that have been laid out in the memo from Ms. Kimberlin and he asked if Ms. Teasdale was looking for a consensus from the Board. Ms. Teasdale explained an intergovernmental agreement will be needed that lists the obligations and responsibilities between the Board and the library so everyone is protected. She would like to have everything in writing prior to the vote so it's very clear to the voters who owns and pays for what.

Mr. Quinn stated it can be done fairly quickly, put together a draft and get it to the Board members so it can be placed on the April or May agenda for the Board meeting.

Motion by O'Neil, second by Dolan

To enter into an intergovernmental agreement for the donation of the Township land and bring the agreement to the April meeting and review it.

Steven Emsley, 51824 Eight Mile – Happy to pay the extra amount, don't know that it serves a good chunk of resident in District 35 & 36.

Jim Hamilton, 24200 Martindale – He questioned when the other library is abandoned will it be a senior citizen complex. Treasurer Carcone stated it was built with grant money so it has to stay as a community center and explore the options.

Chris Schecker, 59878 Mulberry Circle – He stated there is a need for a library but as a growing community there is a need for more support for fire, police, schools, roads, and ambulance. He asked that they give the residents diligence and not incur that expense at this time. Putting an extra \$300 a year on taxpayers to go on the other side of town for a library is a lot. He stated he is not against it but he didn't think now is the time with the growth.

Jim Chuck - He explained there will be large meeting rooms, the amenities will be greater and it will be an added benefit to the community. There will be study rooms for teens and that's where the size issue comes in. Businesses can even have expo's there.

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

MOTION APPROVED

B. Lyon Events Organization Request for 2016 Festival Donation

Jim Chuck reviewed the events held in 2015 along with the expenditures/revenues. He outlined the action plan for 2016. Expenses will be cut by 33% and revenue cut by 10% for 2016.

Supervisor Young explained under other functions in the budget the Board agreed to put in \$10,000 for 2016.

Trustee Dolan stated he is 100% for this, they do a great job.

Motion by O'Neil, second by Adams
To approve the LEO request in 2016 festival donation of \$10,000.

Jim Hamilton – He asked if LEO has paid back the \$5000 that was borrowed.

Steve Emsley – He thanked the Board for their consideration, for the first two years they are trying to get sponsors, there is a learning curve, the goal is to get the money back to the people and give more to the Township.

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

MOTION APPROVED

C. Preliminary Review for Hasenclever Farms Planned Development; AP-14-36

Mr. Doozan reviewed the McKenna Associates memo dated February 26, 2016. He explained a public hearing was held on this case on December 14, 2015. Several residents attended the hearing and voiced concerns about storm water drainage, road access and road connections (particularly to Steddman Drive), and the number of units. Following the public hearing, the Planning Commission deliberated and then approved a motion by a 5-2 vote to recommend approval of the preliminary plan for Hasenclever Farms to the Township Board.

Ms. Zawada referenced her March 4, 2016 CES memo and stated there are not any significant engineering issues at this time.

Mr. Quinn had no legal issues at this time.

Nick Mancinelli, provided a power point presentation for a 50 unit project. The lot width has been increased to 102' with the average lot size of 19,502'. A buffer strip along the entire length of the development will be provided to insulate the homeowners. The first house will be more than 400' from the Eight Mile right of way line. Most of the trees will be saved by a conservation easement if the project is accepted. If not, then the trees will be gone due to the depth of the lots that would need to meet the R-1.0 zoning. The installation of a 10' wide asphalt strip will be provided.

Mark Hannon, 59488 Eight Mile Road – Mr. Hannon objection is the Eight Mile Road access. Prior to the death of the previous land owner the access was not going to be there. He could still develop the land and the Eight Mile Road access is not needed. Eight Mile Road traffic is already dangerous and excessive and another point of entrance would add to that. He did not feel this fit in with the character of the Township or the adjoining Township of Salem. Exclude the Eight Mile Road access to this planned development. The Washtenaw County Road Commission has jurisdiction and they will need to determine if this access is needed. When he contacted them, he was told that they will require a left turn lane.

Tom 59891 Mulberry Lane – He is one of the first houses backing up to this development. He met with Mr. Mancinelli and the biggest concern was the connection to Eight Mile Road due to cut through traffic. Other than that concern he is ok with the plans and he liked that their buffer will be added to and repaired. He was in support.

Chris Schecker, 59878 Mulberry Circle and Damon Ferillo, 20932 Park Woods- Mr. Schecker stated his concerns are the same; he is in full support of what the developer is doing, and hopes the plan goes through as is.

Trustee Hicks provided a letter of support from Abe Ayoub.

Supervisor Young explained he was not sure what the engineering requirements will be and he appreciated the comment from Mr. Hannon.

Trustee O'Neil stated he has concerns regarding the missing parallel plan. Everyone is required to submit a parallel plan. He is uncomfortable moving ahead without this density plan. There was discussion regarding the required parallel plan and blended density.

Trustee Adams questioned the access road. Mr. Mancinelli stated they will have to, build whatever Washtenaw requires even if that is a left turn lane.

Trustee O'Neil, he stated he has rights to develop but the guidelines have to be followed. This was talked about for several months, openly discussed. These are the rules and in his opinion he needs to provide information in order to make a decision.

Supervisor Young stated when people follow in good faith and spend money, and it's a good development and evident by the residents that have spoken. He thought there is a starting and stopping point, and in this particular development it had been started for over a year.

Trustee Hicks, access to eight mile is a must, nice plan.

Trustee Dolan stated that they did change the ordinance. He believed the developer did a good job and the residents appreciate it. The Township does require a parallel plan.

Treasurer Carcone stated that she is for it and the project was started in 2014 and there needs to be a starting and stopping and a parallel plan was not discussed at the Planning Commission. Mr. Mancinelli was given the charge to work with the residents and they seem very happy.

**Motion by O'Neil, second by Dolan
To require AP-14-36 submit a parallel plan before moving forward.**

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

MOTION FAILED

**Motion by Adams, second by Carcone
Moved that a parallel plan is not required before further consideration of AP-14-36.**

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

MOTION APPROVED

**Motion by Hicks, second by Carcone
To approve AP-14-36 preliminary Hasenclever Farms PD as submitted including the McKenna Associates memo dated February 26, 2016 and the CES memo dated March 4, 2016 and additional commitments made regarding items that are not contained on the plans.**

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

MOTION APPROVED

D. Master Plan Discussion on Study Area 2

Trustee Adams read a letter voicing his concerns regarding the traffic on Ten Mile Road and the proposed empty nester development at the current Mulligan's golf center on Ten Mile.

Supervisor Young stated that they have to promote reasonable growth and Ten Mile is a concern and they are constantly thinking about how to get another route. The Township negotiates to get something from all of the developers that benefit the community and residents. Virtually all of the roads that have been paved in the last 15 years have been through negotiations of the Township Board and developer equity dollars.

Ms. Zawada suggested holding a workshop with the Board to discuss this matter and move this section of the capital improvements plan up in priority. She explained the Road Commission wants to see 9 Mile Road paved as another east/west route to help alleviate the Ten Mile Road traffic. The Board members agreed to hold a workshop.

Mr. Quinn stated that they cannot stop development, can't consider a moratorium for development due to traffic but they can get more difficult on the density bonuses in a Planned Development.

E. Legacy of Lyon Planned Development – Conceptual Review; AP-16-03

Mr. Doozan reviewed the McKenna Associates memo dated February 24, 2016. He explained it is their opinion, the review has revealed two principle issues with respect to Legacy of Lyon planned development: relationship to the Master Plan and density of development. It was recommended that the Township Board focus attention on these issues during its review on March 9. Meanwhile, he recommended that the applicant address the revisions and provide additional information as called for in this review letter.

Ms. Zawada reviewed the CES memo dated 2/29/16. Ultimately there will need to be an additionally relief sewer built. During the analysis there are a few sections in the Woodwind development that would surcharge at ultimate build out meaning that the sewage would be above the pipe within the man holes. There is no immediate concern, but they need to look for alternates to redirect the some of the sanitary sewer. This issue does not make a difference with this development since the issue is there with or without this project.

Mr. Fingerroot, Pinnacle Homes gave a power presentation giving an overview of the plan. This development will generate less traffic with this product. It is a win for the neighbors as well since they reconfigured things that the neighbors wanted. It is also a win for the Township since it is a product type that services a large and growing population.

Mr. Fingerroot stated there is no guarantee that 100% will be empty nesters, but he has seen that they are 95% + empty nesters. From time to time they will get a young couple with a non-school aged child that may move in. First of all there is no room to set up sheds or play equipment. The floor plans lend themselves to a single or a couple; it's not divided up well for a family. They have built this product in 3 areas and their marketing is towards the empty nesters and they aren't even getting families to look at it. There is no value in the product for a family for a 2,000 sq. foot unit.

Trustee Adams expressed concern that the entrance to this development is directly across from Tanglewood which would be a nightmare. He suggested moving it further down so entrances aren't parallel. Mr. Fingerroot stated that would be addressed that with the Oakland County Road Commission but typically the safest is to have it right across from one another.

Trustee Hicks and Clerk Cash like the product and feel that the product is needed.

Treasurer Carcone spoke about the residents that attended the Planning Commission meeting and how they did express their support for the development. Two more letters were received today in support of this project. There is also open space in the development and it will increase the value of the other homes around there.

Trustee Dolan felt it does look a little congested with only one way in, he is concerned with fire protection. Seems like there are a lot of homes on a small piece of property.

Trustee O'Neil stated that the product is nice and there is a need which will drive the value and the desire. He questioned if this is deed restricted, requiring a minimum age. Mr. Fingerroot stated that they can only restrict it to 55 and older, one person in the household has to be 55 and they have to allow 20% of the people that don't fit in that category to live there as well. It's impossible to monitor.

Trustee O'Neil stated he did not think that \$96,000 contribution is enough and he didn't think it was equitable. Mr. Fingerroot stated he would like to sit down with the members of the Board and discuss an appropriate contribution.

Supervisor Young stated he wanted excellence in product with less impact, he felt the product is badly needed in the Township.

F. Cost Participation Agreement for Tri-Party Funds (Napier Road)

Supervisor Young explained the spreadsheet shows the participation with the County and Novi to get the paving done. The funding is available with the Tri-Party Funds and developer contributions.

Motion by Cash, second by Carcone

To authorize the Supervisor to enter into the Cost Participation Agreement for preliminary engineering for Napier Road at 9 Mile and Ten, Board project #52111.

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

MOTION APPROVED

G. Proposed Fire Fighter 2% Pay Increase

Chief Berry proposed a 2% pay increase for the Lyon Township firefighters effective with the April 15, 2016 pay. This was approved during the budget review.

Motion by Dolan, second by Adams

To authorize the Fire Department to give a 2% pay increase to the fire fighters as submitted.

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

MOTION APPROVED

H. Building Department Furniture Bids

Ms. Zawada reviewed the 3 furniture suppliers that bid on the Township Hall furniture. Supervisor Young reviewed the bids regarding new chairs. After discussion, the Board decided to clean the audience chairs located in the Board room instead of spending \$16,000 to replace those chairs. Ms. Zawada did not have a strong recommendation for the Board; she suggested having the full time Township officials have the companies come back in with the chairs and decide which chairs would be best. She did not know if they were bidding the same level of quality across the board and did not feel comfortable making a recommendation.

Motion by O'Neil, second by Carcone

To approve the purchase of the Building Department furniture not to exceed \$134,000.00 for purchase of whatever combination yields the best quality and best price based on the bids that have been collected, subtracting the replacement of the audience chairs in the Board room.

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

MOTION APPROVED

I. Sludge Haling Renewal Agreement

Supervisor Young explained the contract starts in April and they are asking for a 3 year contract.

Motion by O'Neil, second by Carcone

To allow the Supervisor to enter into the renewal agreement for the sludge hauling.

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

MOTION APPROVED

J. Notice of Intent to Bond for Water Improvements in Lyon Township

Mr. Quinn explained the Township is anticipating projects expanding the water system as described in an amount not to exceed 25 million dollars. The Township is authorizing the proceedings after this resolution to begin; the Clerk will publish the notice in the newspaper. The purpose is for the bonds to expand and improve the iron removal system, the addition and extension of water main piping, the improvement to the water pump house and facilities including electrical systems and controls, and improvements to and construction of elevated water storage tanks and acquisition of associated equipment.

Motion by Hicks, second by Cash

To adopt Resolution 2016-08 Resolution to issue tax exempt bonds to finance the acquisition and construction of improvements to the Township water supply system in an amount not to exceed 25 million.

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

MOTION APPROVED

K. Board Discussion on Wetland Ordinance

Trustee O'Neil proposed that the Township draft and adopt a Township Wetland Ordinance that would further regulate our local wetlands. There are many parcels with wetlands throughout the Township and he felt they need to further protect them.

After discussion the consensus of the Board is to investigate what the initial cost for wetland inventory would be.

L. Board Discussion on Hiring Full Time Planning Director

Trustee O'Neil stated he felt the time has come to have a 40 hour a week planning director to work with the consultants. Recommend to come up with a job description and a pay scale.

Supervisor Young stated there are many things that are needed, especially an accounts payable person and a liaison to help with the sewer/water. Could use a part time zoning person. Supervisor Young stated he would speak with the planner, engineer and Ms. Archer and find out what the most immediate need is for additional staff aside from the accounts payable person that is needed now.

ADJOURNMENT

**Motion by Carcone, second by Hicks
To adjourn the regular meeting at 11:48 p.m.**

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

MOTION APPROVED

The Board of Trustees meeting was adjourned at 11:48 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Michele Cash

Kellie Angelosanto
Recording Secretary

Michele Cash
Lyon Township Clerk