

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
June 6, 2016

Approved: **JULY 5, 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: 31+

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 May 2, 2016
Approval of Disbursements
Building Department Report for April 2016
Engineering Report June 2016
Fire Report April 2016
Sherriff's Tri Annual Report
Zoning Reports for May 2016
Bill of Sale for Water Main & Sanitary Sewer Twin Pines II
Bill of Sale Water Main and Sanitary Sewer Riverwood Estates Phase 2

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

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Clerk Cash reported that the absentee ballot applications have been mailed and if a resident is on the permanent absentee list and has not received it to please notify the Clerk's Department.

Trustee Hicks reported today in 1944 D-Day where 155,000 troops successfully stormed Normandy's beaches and 2000 were lost. D-Day was the largest conglomeration assembled of airplanes, troops and ships.

Treasurer Carcone reported that in the process of refunding bonds for the DDA, Lyon Township received an increase to a double A+ by Standard and Poors. The team that sold their bonds achieved a 2.134 interest rate, which saving the DDA \$454,000 after all expenses. Also, the Township does not have any parcels going to tax sale this year.

John Bell – Mr. Bell reported on the success of the Kite Festival. He also expressed that he felt the credit for that success goes to the Economic Development Coordinator, Tina Archer.

Phil Mitchell and John Hartmeyer from Blackbourne Worldwide gave a brief presentation regrading Cyber Security.

Treasurer Carcone explained she would like to find out who Oakland County uses since that protection may be offered free of charge.

Mr. Mitchell explained that Oakland County uses Cyber Range; they don't provide the services but provide the training.

Supervisor Young explained the next step would be to share the costs associated with this type of offer and proceed from there.

CALL TO THE PUBLIC

Carol Bidwell, 25100 Bella Donna Drive – She spoke regarding the ongoing flooding issue they have been having. Her husband pumped 700,000 gallons just to get some of the water off their neighbor's driveway recently. The flooding is still an ongoing problem. She appreciated Ms. Zawada's hard work and dedication in trying to solve this issue.

Steven Emsley, 51824 Eight Mile – He thanked members of the Board for participating in the Kite Festival. Cybercrime is part of his specialty and he recommended that they bid their options out.

REPORTS

DDA – Ms. Archer provided status updates regarding the happenings in the DDA.

Fire Chief – Fire Van Sparrentak stated they participated in a mutual aid situation that took place in Wixom. They have also been getting more involved with the Homeowners Association and to leave the fireworks to professionals. He asked that they strike the words "full time" from item G.

Sherriff – Lieutenant Venus stated that the deputies have been busy being active in the schools. He explained firework season is up and coming and people have started to complain.

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 provided status updates regarding the Park Advisory Board activities.

APPROVAL OF AGENDA

Supervisor Young remove item E from the agenda, added cost participation for 8 Mile and Currie approach, Cost participation for the light at Pearson Elementary, Purchase agreement for property and the resignation of Steven Adams.

Also added was the discussion on signage to direct people to I-96 at the round-about and striking the words “full time”.

**Motion by O’Neil, second by Hicks
To approve the agenda as revised.**

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

MOTION APPROVED

UNFINISHED BUISNESS

A. Proposed Mixed Use Zoning District; AP-16-11 Second Reading

Mr. Doozan explained when the first amendment to the 2012 Master Plan created a Mixed Use Classification. The first reading was held on May 2, 2016 and the Township Attorney has placed it in ordinance form and it is ready for adoption.

**Motion by O’Neil, second by Carcone
To approve Ordinance 05-16 Mixed Use Zoning District.**

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

MOTION APPROVED

**Motion by O’Neil, second by Hicks
To direct the Planning Commission to review the Master Plan and consider a possible Township initiated rezoning for any mixed use district.**

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

MOTION APPROVED

B. Ordinance No. 04-16 Groundwater Well Ordinance – Second Reading

Ms. Elowsky explained this ordinance was discussed at the last meeting and is now ready for adoption.

**Motion by Cash, second by Hicks
To approve Ordinance No. 04-16 Groundwater Well Ordinance.**

Steve Emsley – He commented that the map was not available in the online packet.

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

MOTION APPROVED

NEW BUSINESS

A. Resignation of Steven Adams

Trustee Adams announced as of July 4, 2016 he is resigning, he explained he has lived here for 17 years and has served two terms on the Board of Trustees. The Board thanked Trustee Adams for his service.

**Motion by Cash, second by O’Neil
To accept the resignation of Steven Adams from the Board of Trustees effective July 4, 2016.**

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

MOTION APPROVED

A. Annexation Petition by LV Holdings, LLC for 825 Lake Street

Treasurer Carcone explained the negotiations and stated that the committee was in agreement with the \$10,000 fee.

Bob Langan stated he felt \$10,000 was a fair exchange for the annexation to go through. He received a proposed agreement from Ms. Kimberlin and found it to be acceptable. They would be prepared to sign the agreement and tender the proceeds.

**Motion by Hicks, second by O’Neil
To approve Resolution 2016-15 Resolution approves the negotiated annexation agreement between the Charter Township of Lyon and LV Holdings, LLC regarding the property at 825 Lake Street.**

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

MOTION APPROVED

B. Tim Horton’s Plaza – Special Land Use; AP-16-16b

Mr. Doozan reviewed the McKenna Associates memo dated May 25, 2016. He explained by a unanimous vote, the Planning Commission approved a motion to recommend approval of the special land use for Tim Horton’s, subject to approval of the final site plan, and approval by the Township Engineer and Attorney.

Mr. Bell gave a brief presentation regarding the proposed plaza.

Trustee O’Neil stated he would only be comfortable with knowing who the applicant is for the 2nd drive thru operation. Mr. Bell stated that the hours of operation are already decided and they are very close in having a tenant and getting the approval tonight would help to move that along.

Trustee O’Neil commented that the McDonald’s is closer to Quail Run than this operation would be. He felt the curb should be pulled back a little bit. Mr. Bell agreed.

Trustee Dolan asked if the home on the south side is occupied. Mr. Bell stated he believed it is a rental and is occupied.

Mr. Bell stated that whatever use goes in that 2nd building will comply, he can’t think of a use that would be anymore impactful than what they are discussing. It’s going to be a restaurant and it’s not going to be McDonalds.

Motion by O’Neil, second by Carcone

To approve AP-16-16a subject to the retail building at the south end of the property obtaining final consideration of the drive thru use by the Planner and Supervisor prior to a building permit and also reference memo of NF Engineers 5/31/16 and all other comments by staff.

Dave Gingrich – He explained his property abuts this development in Quail Run and at the last PC meeting there was quite a bit of discussion regarding noise and traffic. After many weeks of negotiations between the City of South Lyon , they agreed to noise abatement and privacy to build a brick wall on two sides, on the south side and the west side of the strip mall, to help shield their development from noise. To further screen they put trees in. Both of those have been effective in minimizing complaints. At least 20 units are occupied by people in their 70’s. They have called South Lyon police on multiple times regarding the McDonalds drive thru. He did not think anyone objected to Tim Horton’s but the aggregate noise and traffic should be attended to. Have the developer pay for the wall and the back half of the wall on their property.

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

MOTION APPROVED

C. Heights at Elkow Farms – Planned Development Amendment; AP-16-13

Mr. Doozan reviewed the McKenna Associates memo dated May 25, 2016. He explained after lengthy debate, the Planning Commission unanimously approved a motion to recommend denial to the Township Board of the proposed amendment to the Elkow Farms Planned Development for the following reasons:

- The lack of fluidity in the road system causes a public safety issue.
- The number of phases being proposed is excessive.
- The plans do not include construction of the tot lot north of lot 17.
- The commons areas are not being maintained properly.

Mr. Elkow explained the most aggrieved resident is lot 103, with the garbage truck turning around. Sgt. Collick came out to the site and he was told they need to have a 20’ wide x 60’ hammerhead, which they will install from lots 120-121 on International Drive. There was talk about I-beams, bricks and debris, empty lots mowed, and areas where wheat was planted not weeds. The issue that comes in with The Heights is that it is a ½ mile deep subdivision, Detroit Edison has a looped system and what happens with 225 lots, they provide power for ½ of the sub in sections 1 and 2 and now need to loop back. He suggested the next 3 phases to take care of the sewer tap cost. Don Collick stated the fire code does allow for a hammerhead but a cul-de-sac is more convenient for the Fire Department to make a turn.

Mr. Elkow commented on the wood chip path. He explained that they can’t find the same street lights so they will most likely have to get something similar. Ms. Zawada suggested there are a few outstanding items that would be the developers responsibility from the previous phases including the streetlights, it would make sense that it’s ordered for the rest of the development so that they match and consistent throughout. Mr. Elkow stated he decided he would have all open space done before he starts building.

Mr. Elkow stated that they need standards for the open space. He agreed the wood chip path can be deleted. Supervisor Young stated the stub street has to go in.

Trustee O’Neil stated that he is a complete no on this and the Planning Commission got it right. A road is best when a road is built in one long stretch instead of seam upon seam. It is a county road in name only and the residents will pay for that road. This isn’t where Mr. Elkow lives. The ordinance is not written in an equitable manner, but he is not going to sit here and support this chopped up mess, the roads need to connect, it’s a beautiful subdivision and he thought it would have been done years ago. It looks like it did when he moved in as far as the construction. The road is getting beat up because there is no construction road and he asked Mr. Elkow to not sell them

something less.

Mr. Elkow stated he is perplexed with the small risk there is in giving an SAD for the sewer taps and why the Township refuses to at least pursue that. Trustee O'Neil stated that the Township is not going to be financially on the hook for his investment.

Mr. Elkow agreed to build the tot lot.

Trustee Dolan agreed that the road needs to go in.

**Motion by O'Neil, second by Carcone
To approve the removal of the wood chip paths as requested by the
association and the developer regarding AP-16-13.**

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

MOTION APPROVED

**Motion by O'Neil, second by Cash
Consistent with PC to deny the request with exception of the wood chip
path regarding AP-16-13.**

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

MOTION APPROVED

D. Look Self Storage- Special Land Use; AP-15-53

Mr. Doozan reviewed the McKenna Associates memo dated May 25, 2016. He explained Look Self Storage went through a couple of major revisions before achieving the standards of the Planning Commission. The Commission was very pleased with the outcome, so on May 23rd the Planning Commission unanimously approved a motion to recommend approval of the special land use for Look Self-Storage.

Peter Stuhlreyer confirmed they went through big revisions and is excited to be here.

Treasurer Carcone explained that the Planning Commission loved it and they were all in favor of it.

Supervisor Young felt this is a good use for the site. Trustee Hicks agreed.

Mr. Stuhlreyer confirmed the office hours are 9:30 a.m. - 6:00 p.m. and everyone will have an individual gate code. Hours of operation for access to the units are between 6:00 a.m. – 10:00 p.m. There is also video surveillance.

**Motion by Hicks, second by Carcone
To approve the special land use for Look Storage AP-15-53. Including the
comments in the May 25, 2016 McKenna Associates memo.**

Jon Hutto, 58000 Eight Mile Road – Mr. Hutto explained he is a competitor and he agreed that the project looks fantastic but there are 9 criteria points to meet for a special land use and all are ok except one, the demand. He has less than 40,000 feet, less than a ¼ mile away and he is 70% full. He is ready to go, been open for 6 months, and only 2,000 sq. feet is filled. He didn't see how this would be filled. Vacant buildings and blight are a concern. In his opinion it's a field of dreams. He would like to know what the protocol is regarding the 9 steps.

Mr. Doozan stated that the intent is to satisfy all 9 criteria but the one on need is hard to judge, there is an increase need for storage due to the number of residents coming into the township but how that is spread among the competitors he is not sure.

Mr. Peter Stuhlreyer stated he has overseen 70 properties in over 9 states. Need in their industry is defined by the number of square foot by capita. When it's fewer than 8 it's under supplied, Lyon Township is at a 3 so it's under supplied.

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

MOTION APPROVED

**E. Silver Lake Meadows PD – Conceptual Review; AP-16-19 – REMOVED
 FROM AGENDA AT APPLICANT'S REQUEST**

F. Fire Department Establishing Position of Fire Inspector

Chief Van Sparrentak explained with the growth of the community, the multiple roles of fire prevention along with the concept of succession planning, he would like to add the rank of Fire Inspector to their roster. He respectfully requested promoting Firefighter Brian Holzheimer to the rank of Fire Inspector. Firefighter Holzheimer has been certified by the NFPA and licensed with the State of Michigan as a fire inspector since last fall.

Trustee Dolan stated that the budget really has to be watched but he felt this proposal is something that is needed.

Treasurer Carcone stated cross training is needed and it's smart, but she wished he had waited until budget time.

**Motion by O'Neil, second by Carcone
To accept the Chiefs recommendation and Appoint Brian Holzheimer as
Fire Inspector offering 2 eight hour shifts per month for this position.**

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

MOTION APPROVED

G. Fire Department requesting 24 hour staffing

Chief Van Sparrentak explained with the increase in population, emergency responses, business growth, plus the increased opportunity for grant funding, he believed it is time to provide 24 hour coverage to better protect the citizens and visitors of Lyon Township. The plan is to staff as follows:

- Two 8 hour shifts from 7 a.m. to 3 p.m. (4 firefighters on duty)
- Up to two 8 hour shifts from 3 p.m. to 11 p.m. (2-4 firefighters on duty), and
- One 8 hour shift from 11 p.m. to 7 a.m. (2 firefighters)

He explained this may require a budget amendment estimated at \$20,000 for the last six months of 2016 to the payroll line item, but the overall fire department budget will remain intact and not require further adjustments.

Motion by O'Neil, second by Dolan

To authorize the request for the Chief to go to 24 hour staffing at our stations per the memo dated May 25, 2016.

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

MOTION APPROVED

H. South Lyon Schools Agreement to Allow Transfer of REU's for Sanitary Sewer System

Ms. Zawada explained this agreement will help the schools move along with their goals and pay the same rate. Construction has been kicked off and they expect occupancy in 2018. They expect to connect Dolsen to the public sewer.

Dolsen will temporarily house extra kids until Pearson is opened. Lyon Wastewater does support the agreement as well.

Motion by Hicks, second by O'Neil

To approve the agreement and authorize Supervisor and Clerk to execute upon payment of the capital charges.

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

MOTION APPROVED

I. Laptop Replacement Discussion

Supervisor Young explained the Township is in need of 11 laptops, and 3 desktops for a total price of \$13,165.00

Trustee O'Neil confirmed the DDA and the building department will buy their own.

Motion by O'Neil, second by Carcone

To approve the purchase of the laptop replacements in an amount not to exceed \$13,165.00

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

MOTION APPROVED

J. Proposal for New Pathway in the Park

Ms. Zawada explained the Park Committee is interested in exploring more pathways in the park. Areas were identified and broken into 3 different projects. On the east side of the park the proposal is to survey and prepare plans that can be used for bidding or for grants. The goal is for a 10' asphalt path and two 2' shoulders for a total cost of \$5685.00 lump sum. If bidding is necessary or grants are needed then they can discuss hourly rates or negotiate a lump sum

Motion by Carcone, second by Hicks

To approve the topography survey and design engineering services proposal for the new pathway in the park for an amount not to exceed \$5685.00 including the comments in the CES memo dated June 3, 2016.

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

MOTION APPROVED

K. Proposal for Widening of Existing Pathway in the Park

Ms. Zawada explained this is the existing pathway that is about 4' wide and the park committee would like to see it widened. The total proposal includes survey and engineering for a total of \$7,290 lump sum. If it can't go to 10' it would not be grant eligible.

Motion by Carcone, second by Hicks

To approve the topography survey and design engineering services for the 4' wide pathway to be widened at the northwest part of the park for a total of 10' for a lump sum of \$7290.00.

Robert Swain – He commented that the only thing about this park is that there is one additional segment from where the main 10' path comes in, there is another segment from the triangle to the road.

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

MOTION APPROVED

L. Proposal for the Design of Ball Fields in the Park

Ms. Zawada reviewed the proposed ball field's survey. This would be submitted to the park committee for review and comment for a total price of \$8610.00

Trustee O'Neil commented that these fields will get a tremendous amount of use and while there will be grants for the paths, there is a local grant from the South Lyon Junior League.

Dean Whitcomb, 25885 McCroy Lane – He commented they are very excited for this. They developed a plan to allocate money each year for this. They would financially try to support this and be a resource. He loves the approach. Numbers continue to grow and they are out of fields.

Motion by O'Neil, second by Carcone

To approve the CES design of the ball fields and football field in the park including the CES memo dated 6/3/16 in the amount of \$8610.00.

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

MOTION APPROVED

M. 8 Mile and Currie Pave North Leg Approach

Supervisor Young explained that the Township will fund the paving and concrete curb and gutter at a cost of \$25,250 for the longer length of 150'. The Road Commission will do all the prep work and restoration.

Motion by Cash, second by Hicks

To approve not to exceed \$25,250 for paving the north leg approach of 8 Mile and Currie Road.

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

MOTION APPROVED

N. Participation for traffic light at Pearson Elementary

Trustee O’Neil stated that the schools participated in the Safe Routes to School program which benefited students and in the spirit of cooperation he would be in favor of a contribution.

Trustee Hicks stated he was told that they control the signal on Ten Mile and he felt that signal should work during rush hour instead of just during school hours.

After discussion the Board members agreed that they would be willing to contribute \$35,000 and let the light at the high school run all the time.

Supervisor Young stated there is strong support from the Road Commission and Novi to put in a round-about at 10 and Napier. The Board was mainly in support of the round-about.

Shirley Baker – She questioned the traffic light being operational at 11 Mile, no reason to have it run all night

O. Purchase Agreement for Real Estate

Supervisor Young explained that 1.65 million was offered for the Rugiero property and he felt it was a fair deal.

Motion by Cash, second by Hicks

To authorize the Clerk and Supervisor to sign the agreement on behalf of the township.

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

MOTION APPROVED

P. Discussion on signage directing traffic to I-96 on the roundabouts

After brief discussion the Board felt that the additional signage directing traffic to I-96 on the round-about is a good idea.

ADJOURNMENT

**Motion by Carcone, second by O'Neil
To adjourn the regular meeting at 10:45 p.m.**

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

MOTION APPROVED

The Board of Trustees meeting was adjourned at 10:45 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash

Michele Cash
Lyon Township Clerk