

Charter Township of Lyon  
Board of Trustees  
Regular Meeting Minutes  
August 3, 2016

Approved: **September 6, 2016**

The meeting was called to order by Supervisor Young at 7:00 p.m.

Roll Call: Patricia Carcone  
Michele Cash  
John Dolan  
John Hicks  
Sean O'Neil  
Lannie Young

Guests: 40+

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

**APPROVAL OF CONSENT AGENDA**

Approval of Regular Meeting Minutes of July 5, 2016  
Approval of Disbursements  
Building Department Report for June 2016  
Engineering Report June 2016  
Fire Report June 2016  
Zoning Report July 2016

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

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

**MOTION APPROVED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

Clerk Cash thanked everyone who turned out to vote. Lyon Township had a 29% turnout; Oakland County had a 19.96%.

**CALL TO THE PUBLIC**

**Kathy Lash, 23760 Spy Glass Hill North** – She asked for the status on the paving of

Chubb Road. She was told there was money put aside for that so she wondered what the status is. Ms. Zawada explained road improvements will be discussed later on in the agenda.

**Steve Emsley, 51824 Eight Mile** – He explained he sent an email earlier asking that the Devonshire Planned Development be removed from the agenda due to non-compliance of the sign ordinance. One of the signs was replaced but they forgot to put the sign on Napier back up so they are not in compliance with the ordinance and have not been in compliance with the sign ordinance since February 22<sup>nd</sup> when there was a heavy windstorm and it was knocked down. The last ditch effort when he sent his email failed. He would request since they are not complying with the ordinance he would like to see the agenda item removed.

**Michelle Cascadden, 20924 Oak Tree Dr.** – She is a Park Wood's resident with Hasenclever Farms subdivision going in behind her home and is concerned about the wood chip path that is possibly going in. She is wondering since Phase III is complete if that could be voted upon by their association. They know some people want the trail, but there is a large amount of people that don't want it. They are also concerned about a partial trail going in. They were told the developer will pay to put in a partial trail. If they can only do a partial she questioned why that money couldn't be put into a fund until there is enough money to do the full trail. Another concern is if they did decide to push and put this trail in even if it was initially funded by the developer how that would affect people's HOA fees and how much they would increase dues to the maintenance of this trail.

## **REPORTS**

**DDA** – Ms. Archer provided status updates regarding the activities in the DDA. A very successful Ribbon Cutting for the New Hudson Inn's 185<sup>th</sup> Anniversary Celebration in our community. She wanted to welcome a new business at 56766 Grand River Ave. called North 72 Boutique, a men's and women's clothing store. Pratt Miller has moved into the Kennedy Industrial Building on Grand River. New Hudson Café is looking at a mid to late September 2016 Grand Opening across from the New Hudson Inn. She also wanted to make the Board aware that MDOT Budget Category A Funds and that they were defunded by the State as of 2017 and we are losing a very effective tool for economic development in our community.

**Fire Chief** – Chief Van Sparrentak reported on a fatal fire in the Township. He also reported they have two new hires. The bids have also been closed for the new ambulance/rescue and a public opening will be scheduled.

**Sherriff** – Lieutenant Venus thanked everyone for their support with regards to the renewal of the Police Millage on August 2<sup>nd</sup>. A group of kids from Woodwind Subdivision held a lemonade stand and raised \$120 and bought gift cards and brought them to the sub-station to thank and give appreciation to the Sheriff's Department. A second group also brought in candy and goodies to them but unfortunately he was off and the guys did not ask where they were from. They really appreciate both groups doing this for them.

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

ZBA – None

Park Advisory Board – Trustee Hicks gave an update regarding the last Park Advisory Board meeting. The PAB formed a committee to apply for grants.

### **APPROVAL OF AGENDA**

Trustee O’Neil added item M. Discussion and possible action on the vacant Trustee seat. Supervisor Young added the wording “presented on April 21, 2016” under the Closed Session item 12.

**Motion by O’Neil, second by Cash  
To approve the agenda as amended.**

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

### **MOTION APPROVED**

### **UNFINISHED BUISNESS**

#### **A.     The Woodlands of Lyon Plan Development Final Review; AP-12-16**

Mr. Doozan explained that a PD Agreement has been updated and the Township Attorney has prepared the ordinance so it is ready for the 2<sup>nd</sup> reading.

**Motion by Cash, second by Hicks  
To approve the Zoning Map Amendment No. 175-16 known as Woodlands of Lyon Planned Development Ordinance.**

**Voice Vote: Ayes: 5  
                  Nays: O’Neil**

### **MOTION APPROVED**

#### **B.     Stoneleigh East Planned Development – Minor PD Amendment; AP-16-23        Second Reading**

Mr. Doozan explained this item is also ready for the 2<sup>nd</sup> reading. Trustee O’Neil confirmed that the administrative fees will cover the cost.

**Motion by Hicks, second by Cash  
To approve the Zoning Map Amendment for AP-16-23 known as the First Amendment to the Stoneleigh East Planned Development Ordinance No. 173-16**

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

**MOTION APPROVED**

**C. Stoneleigh West Planned Development - Minor PD Amendment; AP 16-24  
Second Reading**

Mr. Doozan explained the amendment involves a revision to the side setbacks to units 41 and 42. It's needed to avoid having to relocate and reconstruct an existing sanitary sewer lead. It is now ready for the 2<sup>nd</sup> reading.

Trustee O'Neil stated the next issue is the update on the high water table and drainage issues. Ms. Zawada said not the same issue as ground elevation but house elevation.

**Motion by Hicks, second by Carcone  
To approve the second reading of the Zoning Map Amendment No. 174-16  
known as First Amendment to the Stoneleigh West Planned Development  
Ordinance.**

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

**MOTION APPROVED**

**D. Stoneleigh Update**

Ms. Zawada explained she did a site walk with Oakland County regarding the Yerkes Drain. In part of the drain there was silt built up on the drain, but as they moved further downstream the drain is extremely overgrown and almost impassable at some points. The drain has probably never been cleaned out and it's over 100 years old. The next steps will be to get some survey data to see what kind of slopes can be achieved to help the flow of water from Stoneleigh. She also noticed a portion of Stoneleigh West was to clean out part of the drains and she did not think that has been done. She would not like them to proceed with that until they have some survey data. She explained she needs to meet with the Drain Office to find out what the steps will be and what the costs will be. The Drain ties into more than just our community.

**Cathy Fucinari, 57235 Meadow Creek Circle South** – She is a member of the HOA in the Stoneleigh subdivision. There have been a number of homes that have had problems with saturated properties and flooded basement and sump pumps that run continuously. The builder has assured the Board and the homeowners that they have done everything correctly, given that she is concerned that something is wrong with the plans. If the drainage system does not work, it doesn't matter if the plans were right, or if it met the specifications, it doesn't work. The developer has said they plan to leave the development in 12-18 months and then the cost of remediation would fall upon the

HOA. She asked that they lend their support towards a working system and protect the homeowners.

Trustee Dolan stated he would like to explore as many possibilities as they can to help the residents of Stoneleigh. He asked if they can have an update every month. Ms. Zawada stated yes. Trustee O'Neil agreed with Trustee Dolan.

Ms. Zawada confirmed that Mr. Wertheimer said he has a contractor scheduled to clean out all of the storm drains.

**Keith Pritchard, 23672 Stoneleigh Drive** – He stated that they can't limit this review just to the Yerkes Drain. The contributing problems are the fact that the detention ponds don't drain. Last summer when his sump pump was running every 14 seconds the Yerkes Drain was dry and the detention ponds were full, the whole infrastructure needs to be looked at. Looking at the Code of Ordinances in Chapter 15, Section 15.31 talks about maintenance and it says that developers shall be responsible for the maintenance of detention basins until at least 95% of all homes have been constructed and sold. Hopefully, Hunter Pasteur is responsible for the infrastructure and hopefully they have a cash bond on hand with the Township.

Ms. Zawada confirmed that the Township has several bonds from Hunter Pasteur.

**Norene Yuskowatz, 23565 Millwood** – Their sump pump has been running from March to June and when it rained two weeks ago it started running again. Mr. Spencer told them that Hunter Pasteur has bonded out of phases 1 and 2 which means the money you were holding for phase 1 and 2 is now back to Hunter Pasteur. She questioned how the amount of bond is determined and what the criteria is for releasing the bond. She also questioned if they have every considered having homeowners input into the release of the bond.

Ms. Zawada explained bonds are collected. Typically we collect a standard sewer cleaning bond of \$5,000.00 and that is if you get sediment in the sewers. We don't collect \$100,000.00 to re-excavate a basin. A bond is refunded once the development has been accepted or the sewers have been inspected that they are clean and operating. She is not showing their bond has been released.

**Mike Scituro, 23438 Millwood** – He commented in the spring when the ponds weren't draining and the storms would come the water would run in from the Yerkes and overflow the ponds. The pond across from here there is a retention/detention split and the border in the middle has collapsed and is now one big pond due to the all of the water flow. The basements are well into the flood plain, and if there was a way to get the ponds deeper it would help. They have requested copies of the study that was done and they have been unable to get copies of that.

## **NEW BUSINESS**

### **A. Hasenclever Farms PD – Final Plan Review; AP-14-36**

Mr. Doozan reviewed the McKenna Associates memo dated July 15, 2016. He explained the applicant has strived to address the concerns of the Planning Commission, Township Board, and nearby residents. Compared to the preliminary plan, the applicant reduced the unit count by four, and increased the minimum size of the units to 17,000 sq. ft. After meeting with nearby residents, the applicant shifted Hasenclever Drive to the east 15 feet to protect trees and heavy foliage. The applicant proposes to plan 60 additional trees between Park Woods and Hasenclever Farms, and 30 additional trees between Lyon Trail East and Hasenclever Farms, to provide an extra measure of screening. Also, at the request of residents, the applicant proposes to construct a wood chip path in Park Woods, as was originally proposed.

Based on the above findings, he recommended that the Township Board approve the final plan for Hasenclever Farms case # Ap-14-36 and this would be the first reading since this is an ordinance amendment.

Mr. Mancinelli explained it was approved by the Planning Commission and now they are trying to achieve final from the Board. Mr. Mancinelli explained he could build part of the wood chip path to a certain point, he also explained that most of the members of the subdivision wanted the path, but he hears tonight that the majority of the people don't want the path. He did offer funds in lieu of building the path, and that option is still open if they decide they don't want the path. Mr. Mancinelli also provided a presentation to the Board.

**Michelle Cascadden, 20924 Oak Tree Dr.** - She thanked Mr. Mancinelli for working with the residents. The residents of phase 3 who will be affected by the partial trail that's going in are the ones that don't want the trail to go in. In phase 1 and 2 many did not know about the trail.

**Mark Hannon, 59488 Eight Mile Road** – He commented that Mr. Mancinelli is yet to talk to him. He asked that the Board delay approval of this until Washtenaw Road Commission finishes their process so they know what they are voting on. The plans today do not show a bypass lane and he thought a left turn lane will be required. How many trees in front of his house will be cut down has not been answered. He requested that the Board not approve this until that part is resolved.

**Chris Schaecher, 59878 Mulberry Circle** – He thanked Mr. Mancinelli for working with the residents. He stated there was a vote in 2007 and 2010 and at that time the majority of the sub was completed except for phase 3 and those residents liked the trails and it was supported by the Township at that time. Moving forward the wood chip path has been something that has been highly contested. We've talked to Mark Spencer and we asked if an escrow fund could be set up, however because of the fact if one is set up and it never gets funded, then the money goes back to Mr. Mancinelli.

Also, some folks believe if there is no trail then they don't have to give up their property, That is their ignorance not knowing where the property line is. It's been discussed and explained, he has had 4 or 5 meetings with the neighborhood and he has met with Mr. Spencer. It's his hope and desire to move this forward.

**Michelle Cascadden** – She commented that her husband never agreed to a wood chip

trail, and they were not invited here by their HOA, a neighbor told her. They have been informed on small items not the whole picture. She did not think the reason people don't want a wood chip path is due to encroachment reasons.

Trustee O'Neil stated he appreciated the trees and he still has issues with regards to the absence of a parallel plan.

Trustee Hicks stated that as far as the road goes they will have to comply with whatever Washtenaw County decides. Regardless if the plan is approved or not, Washtenaw County controls Eight Mile Road.

**Motion by Hicks, second by Cash**

**To approve the first reading of Hasenclever Farms Planned Development Final PD Review, AP-14-36. The provision 9 will be amended to address the wood chip path.**

Mr. Mancinelli proposed to come up with a second agreement and give the residents cash to build a path or build a path and they can make that part of the documents but not part of the PD.

**Mr. Hicks amended his motion to include that the motion is contingent upon a private agreement being reached between Park Woods and the Mr. Mancinelli to address the wood chip path. Clerk Cash continued support.**

Mr. Schaecher stated he has met with Mr. Spencer publicly 5 or 6 times and Ms. Cascadden's husband, whether he agreed to it or not was present for it. There is no hidden information. He has asked about amending the PD and wood chip path, he was told that they would have to go through the process. Supervisor Young stated this is really between the HOA and the residents, they are leaving that flexibility. Mr. Schaecher stated if they go that route, they don't have the funding to go through the amendment either.

Ms. Kimberlin explained that this PD is completely separate from Park Woods. Supervisor Young explained that one way or the other Park Woods will get a contribution.

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

**MOTION APPROVED**

**B.      Legacy of Lyon PD – Final Plan Review; AP-16-03**

**Representing Legacy of Lyon: Howard Fingerroot, Pinnacle Homes**

Mr. Doozan reviewed the McKenna Associates memo dated July 15, 2016. He explained it was noted previously that Legacy of Lyon would achieve the following:

- Fill an unmet housing need in the community.
- Provide high quality housing construction.
- Generate less traffic than if the property was developed as a single family detached development.
- Generate less traffic during the warm weather months than the existing driving range.
- Provide abundant landscaping along the perimeter, consistent with the Master Plan's plans for Ten Mile Road.
- Provide a positive fiscal impact for the Township.
- Provide substantially more open space than required.

Legacy of Lyon would result in 20 more units than if the property was developed as a conventional single family detached development. At the Township Board level, the preliminary plan was approved subject to a reduction in the number of units to 44, imposition of a 55 year old age restriction based on the federal 80/20 rule.

In consideration of the above findings, which reveal that the applicant has strived to address the Township's concerns, he recommended that the Township Board approve the final development plan for Legacy of Lyon Planned Development.

**Motion by Carcone, second by Cash  
To approve the first reading of AP-16-03 Legacy of Lyon Planned  
Development Final Plan Review.**

Mr. Fingerroot explained the age restrictions that are in line with the federal regulations.

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

**MOTION APPROVED**

**C.      Mother-in-law Suite – Special Land Use; AP-16-22**

Mr. Doozan reviewed the McKenna Associates memo dated July 27, 2016. He explained that there were no comments at the public hearing. Following deliberation, the Planning Commission approved a motion to recommend to the Township Board approval of the proposed special land use, subject to the following conditions:

1. The mother-in-law suite shall never be occupied by anyone other than a family member, as defined in the Zoning Ordinance, and shall never be operated as a rental apartment.
2. A 110-sq. ft. floor area variance must be obtained from the Zoning Board of Appeals.
3. Approval from the Oakland County Health Division must be obtained.
4. Conditions in the consultant's letters must be addressed.

Treasurer Carcone confirmed the Planning Commissioners were all in favor of this special land use.

Trustee O'Neil asked if a restriction is anywhere that will not allow a separate address or a restriction so that utilities could not be turned on in a different name so that would deter any rental. He did feel that more of these will be popping up over time and he liked it. Mr. Doozan stated that they could add that restriction.

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

**To approve special land use AP-16-22 subject to all of the consultant review comments and conditions and additionally that in the future no separate address to be issued for the mother-in-law quarters or that no utilities can be activated separately from the main structure, and subject to ZBA approval.**

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

**MOTION APPROVED**

**D. Devonshire Planned Development Preliminary Review; AP-14-56**

**Representing Devonshire: Dan LeClair, Greentech Engineering  
Bruce Michael, Trowbridge Land Holdings**

Mr. Doozan reviewed the McKenna Associates memo dated March 30, 2016. He explained at the February 22, 2016 Planning Commission meeting a motion was approved by the Planning Commission to recommend approval of the preliminary plan for Devonshire Planned Development to the Township Board, subject to the following conditions:

1. The conditions in the letters from McKenna Associates (dated 2/15/16,) and CES (2/19/16) shall be addressed on revised plans.
2. The developer shall pay for the installation of a traffic signal at the intersection of Eight Mile Road at Napier Road.
3. At the time of detailed engineering, the plan shall comply with the requirements of the Oakland County Health Division with respect to spacing of the detention pond from a well.
4. Additional landscaping shall be installed along the Emsley property line.

Ms. Zawada referenced the CES memo dated April 29, 2016. She highlighted the following concerns from the memo:

1. The right-of-way from ITC for the section of road through their property that will connect to the proposed Windridge PD will be required prior to recommending approval of the Final PD.
2. An offsite extension of public water and sanitary sewer will be required for this project as part of a five-property consortium. The plans for the off-site water and sewer shall be reviewed and approved prior to execution of a final PD Agreement. The off-site plans shall be included as part of the Final PD submittal

and the applicant has noted this on the plans.

Ms. Zawada noted that the other items listed in the memo will be addressed during the detailed engineering review.

Supervisor Young explained he found out about the notification sign yesterday and he made the developer aware of it. Sounds like that the sign was put back up.

Trustee Dolan stated that they have an ordinance and it should be abided by. Mr. LeClair commented that it looked like someone had just pulled the sign straight up and the sign is now back in place. Ms. Kimberlin stated that the ordinance 9.03B1 states that the sign should be in place 15 days prior to the public hearing, she did not find a requirement that it must stay up a certain number of days or 7 days after approval.

Mr. Michael explained that two public hearings were held on this property because the first public hearing was held and Mr. Emsley complained there was an error on one of the two signs that was posted on the property. The Township Attorney at the time suggested to holding another public hearing with the proper signs in place and that was held.

**Steve Emsley, 51824 Eight Mile** – He commented that the actual reason the second public hearing was held was because when you build on a corner you must have sign facing in both directions, the reason was not because the sign said 71 instead of 72 acres. There was not a sign on Napier. All of this was born because his wife asked that the signs be removed after the public hearing. He has supplied an email with Mark Spencer's words that say that the signs must stay up until the project is executed. He felt there were a lot of mixed messages.

Trustee O'Neil confirmed with both Ms. Kimberlin and Mr. Doozan that they were in agreement the ordinance was followed.

Mr. LeClair provided a brief presentation regarding the property layout. He confirmed that they will be utilizing the onsite storm sewer system to collect the water in the upper ranges of the soils as well as picking up the basements so they are out of the water table. They have been working on that and it will be addressed.

Mr. LeClair confirmed they are not planning any play areas in the north part but there will be a seating area at the end of the cul de sac. That area is very wooded and there is no bridge/path being proposed. Trustee Hicks would like to see the traffic signal coincide with the paving of Napier and at the latest to have the funding in place before the first building permit.

Trustee O'Neil confirmed that the applicant is working on the ITC cross access and working with Lombardo Homes regarding the same thing. Trustee O'Neil stated rather than the funding for the traffic light he would want the traffic light functioning before the construction traffic is added. Mr. Michael stated they would do everything that they can but ultimately it is up to the County.

Trustee O'Neil also commented that he is concerned with the deviation from the setback

and these are going to be bigger homes, he felt that regardless of the lot area, the proximity to the street is a concern. Mr. Michael explained the setbacks are 25' to the garage itself and 35' to the main wall of the house with side loaded garages. Mr. O'Neil stated that there was a whole host of homes that will have issues with building decks, pools and patios. Mr. LeClair stated that they have done a lot fit for every one of the lots. The rear yard areas they have looked at every unit and Mr. Michael felt comfortable that adequate provisions for the rear lots for improvements. It will also be noted in the Master Deed the lots that are impacted. Mr. LeClair stated they are just getting ready to file their wetland permit and they are impacting less than an acre of wetland. Trustee O'Neil questioned if their decision would need to be contingent upon the wetland permit?

Mr. LeClair explained that the Emsley property will be screened with some additional trees along the west side. It will just be screened with trees, no berm.

Mr. Doozan clarified that there a couple of lots that would not be able to have a side entry garage.

Treasurer Carcone stated she would like to see the ITC correspondence because ITC sold and the Township applied for a grant through ITC and the funds that they were supposed to get did not happen.

Trustee Dolan questioned the residential buffering off of Napier Road. Mr. LeClair stated that the PD requirements are 75' from Napier Road and 40' from property owners. With respect to buffering they haven't included that in any of their plans.

**Motion by Carcone, second by Cash**

**To approve AP-14-56 Devonshire Planned Development preliminary plan review based on the McKenna Associates memo dated 3/30/16 and CES dated 4/29/16 and with all the comments from the Township Board and the Planning Commission.**

**Trustee O'Neil suggested specifying the ITC correspondence is provided; the Emsley landscaping should be reviewed by the Planning Commission and having some commitment for the traffic light and the funding in place before the first building permit is pulled, the wetland permitting must be in place and to confirm there can be side entry garages for all the houses. Treasurer Carcone amended her motion to include those comments. Clerk Cash continued support.**

**David Bares, 20805 Hunters Ridge** – He stated to be considered that this is a zoning change to PD. The benefits were the traffic signal and he didn't see how that is counted to be a benefit when the County was already going to provide it, he felt that like a freebie to the developer. The drainage improvement is another, which is needed but they are not very well defined yet. This whole corner of the Township is a consortium of 5 different developments and one of them has had nothing proposed yet. He is concerned about the rush to approve with so many outstanding questions. He is also concerned that yes there was precedence with easement variances, but the Township's view is to slow down with the development and stick with the planning devices that they

have in place. If they are going to go with a PD then they need to uphold the community benefits and stick with the zoning that is already established within the PD. He would like the Board to consider that before they vote to approve. Sounds like there are still things that need to be fixed and he didn't want them to rush to approve without having the facts instead of hypotheticals.

Supervisor Young explained that the County will install the traffic light but it doesn't mean they have the funding to put it in. He explained that Soave's property has contributed and they are part of this agreement but they are not building at this time. The sewer is not listed as a public benefit.

**Steve Emsley, 51825 Eight Mile Road** – He explained that the Vanderbeek studies that are available to the public are not the plans overlaid on the plan. He is not sure how the words accessibility and contiguous continually get changed. There is nothing accessible from the northern end of the property to the greenspace. The greenspace is not accessible. This project is two neighborhoods not one because it is completely bisected by an impassable wetland. The Planning Commission said they wanted more landscaping provided for his property than what is shown on the plan. He also commented that RCOC wants a left turn lane. The plan is absurd and the developer has not shown that ITC has agreed that they can cross their property. He felt that this request should be tabled.

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

**MOTION APPROVED**

**Motion by O'Neil, second by Cash**  
**To move item L up to item E on the agenda since the applicant for Draught Horse is waiting in the audience.**

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

**MOTION APPROVED**

**E. Draught Horse Special Events Application**

Ms. Archer referenced her email dated July 29, 2016. She explained Draught Horse Brewery has submitted an application to use the James F. Atchison Memorial Park to celebrate their 1 Year business anniversary. They have planned an event called "Horse on the Hill Beer and Music Festival". It is a three day event September 9, 10, and 11<sup>th</sup> with Sunday, Sept 11 being "Family Day" with family oriented activities and games. The hours of the event are Friday, Sept 9 from 5 p.m. – 11:00 p.m., Saturday, Sept 10 from noon-11 p.m. and Sunday, Sept 11 from noon to 8 p.m.

**Motion by O'Neil, second by Hicks**  
**To approve the Special Event Permit for Draught Horse Brewery in the Park**

**with alcohol and extend the park hours to 11:00 p.m. and subject to Park Advisory Board approval and the approval of the State Liquor License Control Commission.**

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

**MOTION APPROVED**

**F. Mobilitie LLC Metro Act Agreement**

Ms. Kimberlin explained this is a standard installation and it's governed by the Metro Act.

Supervisor Young stated that they needed more information regarding this agreement. He would like them to provide a drawing with what they are doing and where it is located.

**Motion by O'Neil, second by Hicks  
To table the request until further information as requested.**

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

**MOTION APPROVED**

**G. Mixed Use Zoning Discussion**

**Representing Continental Aluminum: Patrick Lennon, Attorney**

Supervisor Young provided a layout that reflects some of the discussion that he had with Board members the week following the meeting and there was a lot of miss understanding. Basically, one drawing shows the full 84.33 acres that was on the agenda for consideration. Master Plan calls for Mixed Use Zoning and we were considering Mixed Use for some 20 parcels. Comments were made about the number of parcels, traffic concerns and compatibility. Mill River is high density residential mixed product, what mixed use allows a combination of residential and commercial. We wanted to revisit this and maybe consider something less intense. Trustee O'Neil stated he had some concern with proximity of the higher density to the airport in particular on the West side. Planning Commission looked at this, held a public hearing, they made a recommendation that was unanimous and taking a step back to look at a scaled down version of this that is less intense he could support a different version of this. Supervisor Young explained the parliamentary procedure. If the Board wishes to review the Master Plan as recommended by Planning Commission, the procedure would involve a motion to rescind the prior decision.

Mr. Lennon commented that in their view this decision was made at the last meeting.

He felt discussion regarding a new amendment to the ordinance is inappropriate since there has been no notice of that, and it's not on the agenda. There was a loose agenda regarding Mixed Use Zoning discussion and it sounded to him like public debate. That decision last month was denied and if it is to be revisited then it needs to go back to the Planning Commission.

Ms. Kimberlin explained that the Township Board can consider changes, additions or amendments, they may be but are not required to refer back to the Planning Commission if they choose the public hearing was already held. Mr. Lennon stated that the public hearing was held but on another discussion, they are now talking about changing the boundaries of it, this is not how the rules work. Supervisor Young disagreed. The Planning Commission recommended 84.33 acres but lesser can be considered. Mr. Lennon stated if the boundaries are changed or the number is shrunk then they are entitled to another public hearing. Ms. Kimberlin stated a public hearing was already held at the Planning Commission and the Board can consider a lesser area, they can do that. If they choose to rescind their prior action the public hearing was already held and they can do that. Trustee O'Neil commented that he wishes to reconsider a reduced number of parcels.

Mr. Lennon stated there was no notice of what the Board is doing tonight. Mr. Lennon objected further that notice was not sufficient.

Treasurer Carcone commented that there were members of the public in attendance at the public hearing held before the Planning Commission. Trustee O'Neil commented that final action occurs upon a second reading.

**Motion by O'Neil, second by Hicks  
To rescind the action taken at July 5, 2016 Board Meeting on AP-16-21  
Mixed Use Zoning.**

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

**MOTION APPROVED**

Trustee O'Neil stated some of his concerns pertained to the scope and the size and the potential impact of the rezoning that was sent to the Board from the Planning Commission. It was consistent with the Master Plan however, he had concerns with this rezoning drifting to far from the core and near to the airport and to some of the larger acre parcels on Travis Road. He would have supported that last month if it had been a more scaled down version. He preferred the 44.99 acres and felt it would be appropriate in that location. Supervisor Young gave information on three different options containing lesser amounts of land. Trustee O'Neil stated he counted 11 parcels with the goal to create a continuous district that was the recommendation of the Planning Commission, not a patchwork quilt of zoning districts.

Mr. Lennon urged the Board to table this item and give them time to prepare to look at the maps and understand what they are doing. It is impossible for them to assess the information and give others a chance to analyze the information.

Trustee O'Neil reminded everyone that if anything was approved tonight it is only going to a second reading there is still ample opportunity to make changes and have discussion. Further discussion occurred regarding possible rezoning options.

Mr. Buchner from Continental Aluminum stated that the maps and the last letter from their lawyer that was submitted, does not show up on the online packet. Mr. Lennon stated that there was nothing in the packet that showed what this item was on the agenda for and felt it was improper. He referred to the attorney letter that was emailed dated July 6, 2016.

Mr. Buchner stated that any person put on record that had to do with density was strictly against it. The Planning Commission approved it and it seems circular in logic and the Board asked the Planning Commission to look at it.

Trustee O'Neil commented on reasons for approving a scaled down version of what was recommended by the Planning Commission as it addresses his concern with size of district and density.

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

**To move AP-16-21 with the configuration that includes 44.9 acres as shown in the packet to second reading consistent with the Planning Commission recommendation.**

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

**MOTION APPROVED**

**Mobilitie LLC Metro Act Agreement**

There was more brief discussion regarding the Mobilitie Metro Act Permit due to the time frame of the approval. Ms. Kimberlin felt that after further investigation found that it is a basic and common request and the Board felt it could be approved subject to more information being provided.

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

**To remove Mobilitie LLC off the table.**

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

**MOTION APPROVED**

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

**To approve Mobilitie LLC Metro Act Agreement subject to them providing further detail on the project to the Supervisors office.**

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

**MOTION APPROVED**

**H. Road Improvements**

Ms. Zawada provided an overview regarding the current road projects that including signal improvements, paving and additional gravel placed on existing gravel roads. She also reviewed the intersection improvement at South Hill Road and Grand River. Ms. Zawada also reviewed the paving of Chubb Road. Also, South Lyon Community Schools will need to install a signal at the new elementary school on Eleven Mile Road and they have asked the Township to consider a contribution.

There was brief discussion regarding timelines and funding. The Board agreed that Chubb would be paved to the entrance. Regarding South Hill and Grand River the Board decided to contribute \$100,000 and take advantage of getting something for a fraction of the price due to the funding that is available. The Board also agreed to contribute to the signal for Pearson Elementary School.

There was discussion regarding the possible round about at Napier and Ten Mile.

**Motion by Carcone, second by Hicks**

**To approve the contribution for a signal at Pearson Elementary not to exceed \$35,000.**

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

**MOTION APPROVED**

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

**To approve the contribution of \$100,000 for intersection improvements at South Hill and Grand River contingent on the DDA contributing \$100,000.**

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

**MOTION APPROVED**

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

**To begin the design of Chubb to the entrance of Tanglewood.**

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

**MOTION APPROVED**

## **I. Bids for Township Parking Lot Repair**

Supervisor Young explained that the 3<sup>rd</sup> bid came in and as it turned out it was the highest bid of the 3. The low bid is still Sartor and that is his recommendation to move forward with the low bidder.

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

**To approve Sartor for the Township parking lot repair not to exceed \$26,125.00.**

**Robert Swain**- He wondered if there would be a better rate with combining the paths with this contract.

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

**MOTION APPROVED**

## **J. Cemetery Grave Rate/Cost Discussion**

Clerk Cash explained they are looking at raising the cost of the graves. Residents are \$150 per grave and she didn't think there is anyone that sells to residents that are less than \$350. She asked that the Board think about it and she will come back with more information.

## **K. Bids-Driveway Improvements for Woodwind Well**

Mr. Crandall referenced the Giffels Webster memo dated July 25, 2016. Three bids were received for this work. He recommended that Fiore Enterprises be awarded the contract for the price of \$22,550.00

Motion by Carcone, second by Hicks

To approve the Giffels Webster recommendation of Fiore Enterprises not to exceed \$22,550.00 for the driveway improvements for Woodwind Well.

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

**MOTION APPROVED**

## **L. Town Hall Video Streaming Bid Documents**

Supervisor Young requested to table this item since the documents were not ready due to an emergency.

**Motion by O'Neil, second by Carcone  
To table the Town Hall video streaming bid documents.**

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

**MOTION APPROVED**

**M. Appointment Interim Vacant Trustee Seat on Township Board**

Supervisor Young explained that they need to appoint an interim Trustee and everyone had discussed that Lise Blades was selected by the people as their representative in the August 2<sup>nd</sup> Primary Election.

**Motion by O'Neil, second by Dolan  
To appoint Lise Blades to the vacant Trustee seat.**

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

**MOTION APPROVED**

**Closed Session**

**Motion by Cash, second by Carcone  
To move into closed session to consider attorney client privileged communication presented on April 21, 2016 and recess the regular meeting at 11:00 p.m.**

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

**MOTION APPROVED**

**Motion by O'Neil, second by Dolan  
To reconvene the regular meeting of Wednesday, August 3, 2016 at 11:25 p.m.**

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

**MOTION APPROVED**

The Board of Trustees re-opened the regular meeting at 11:25 p.m.

**Motion by Dolan, second by Carcone  
To adjourn the regular meeting at 11:25 p.m.**

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

**MOTION APPROVED**

**ADJOURNMENT**

The Board of Trustees meeting was adjourned at 11:25 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary

*Michele Cash*

Michele Cash  
Lyon Township Clerk