

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

Approved: **OCTOBER 3, 2016**

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

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

Guests: 35+

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 August 3, 2016
Approval of Disbursements
Building Department Report for July 2016
Engineering Report August 2016
Fire Report July 2016
Zoning Report August 2016

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

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Clerk Cash reminded voters that the absentee ballot applications can be filled out at any time and the ballots will be mailed out after testing on October 5th.

Treasurer Carcone reported that summer taxes are due by September 14th without penalty or interest.

Trustee Hicks announced that the Road Commission is holding Road a public meeting regarding the Napier Road paving project on 9/14/16 at the Novi Public Library 4-7 p.m.

Trustee Hicks reported in 1901 U.S. President McKinley was shot by Leon Sogos who was from Detroit. In 1905 the Chicago White Sox pitched a no hitter against the Detroit Tigers and the first Piggly Wiggly opened in Memphis, Tennessee in 1916.

CALL TO THE PUBLIC

Jonathan Scheel, 26234 Great Plains Drive – He commented that he attended the Board meeting last year regarding the problems with the open areas and nothing has been done. The grass is in no better condition. The Township is having the builder still cut the grass, even though he wasn't capable of growing grass. The weeds were 2 feet tall. This is where they live and the conditions they have to live with, he finds it unacceptable. He came last year to the Board to get help to get this area completed and it has not been done. The contractor the Township hired destroyed the Tot Lot and had to be shut down for over a week. He is wondering what's going on. They haven't seen anyone out there in months. Now there is an easement between their sub and the school and they have no answers as to when that will be done. New commons areas that have come into play and nothing has been addressed. He wants this handled in a timely manner.

Ms. Zawada stated that she has been in contact with the contractor and they have been providing updates. The rocks were removed; they could not reseed at this time because the open spaces are not irrigated. Supervisor Young explained that they will get an update and get it out to the Board via email.

Steve Scheel, 24445 Peters Barn Court – He explained that he just filed to run for the School Board for South Lyon Community Schools. He gave a brief introduction of himself and stated he is looking forward to working with the Township and the opportunity to sit and meet with anyone who would like to.

REPORTS

DDA – Ms. Archer explained the number one priority for the DDA is regional storm water detention. They finalized the financial commitments with Magna for the improvements to South Hill Road intersection. She attended a SEMCOG bus tour, viewing Utica, Ferndale, Clawson and Royal Oak. The signed agreement was executed for the purchase of 17.9 acres for Huron Valley Outfitters. On 9/23/2016, training will be offered for the One Stop Ready Communities.

Fire Chief – Chief Van Sparrentak provided a letter that was received from a thankful resident. The letter commended the fire personnel that were on a call since it was a CPR save.

They did such an exceptional job they are being recognized on 9/22 with certificates of excellence and service pins. Ten firefighters were acknowledged. They have been invited to attend the 9/11 ceremony in Lansing by Kathy Crawford.

Sheriff – Lieutenant Venus reported that it's been a quiet summer. There was a rash of vehicle break-ins, he reminded residents to make sure their cars are locked.

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

ZBA – Trustee Hicks gave an update regarding the last ZBA meeting.

Park Advisory Board – Trustee Hicks reported the Draught Horse Brewery will be holding their anniversary event on 9/10 and will take place at their brewery. The park will be used as parking with a shuttle service to and from the brewery. Grant funding was discussed. There are 3 park advisory members that would like to attend a conference in Grand Rapids. They will be installing two bike repair stations along the trail. After a Disk Golf tournament that was held on Sept. 10 it was observed that there was a lot of trash around the park and there is a need for some part time people throughout the summer to attend to that issue. The Board approved a trail sign to be named after Robert Seccombe.

APPROVAL OF AGENDA

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

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

MOTION APPROVED

UNFINISHED BUISNESS

A. Hasenclever Farms PD – Final Plan Review; AP-14-36 Second Reading

Mr. Doozan explained the first reading was held last month and the proper documentation is available and ready for 2nd reading.

**Motion by Hicks, second by Blades
To approve the zoning map amendment 176-16 Hasenclever Farms**

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

MOTION APPROVED

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

Mr. Doozan explained the first reading was held last month and the proper documentation is completed and ready for 2nd reading. He explained that they would like to use the Pro Shop as an information center and that should be folded into the approval. The Board felt they should have time to look into that matter regarding the Pro Shop being used as an information center.

Motion by Carcone, second by Hicks

To approve the Zoning Map Amendment 177-16, Legacy of Lyon Planned Development as submitted.

Roll Call Vote: Ayes: Carcone, Cash, Hicks, Dolan, Young
Nays: Blades, O’Neil

MOTION APPROVED

C. Mixed Use Rezoning Ordinance; AP-16-21 Second Reading

Ms. Elowsky explained it was the July meeting when the Board considered the Mixed Use Zoning and that zoning failed. At the August meeting the Board rescinded its prior action on the rezoning and contemplated different options for the rezoning of property for the mixed use district that was established in the new Zoning Ordinance and one of the options that were discussed at that meeting was selected and this zoning map amendment reflects the zoning for mixed use.

Motion by O’Neil, second by Carcone

To approve Zoning Map Amendment No. 178-16.

Pat Lennon, 350 E. Michigan Ave, Kalamazoo - He explained that he has issues with the process. The approach violates section 9.03C2 in the ordinance. That provision only gives the Township 3 options; it can adopt, reject or refer the amendment back to the Planning Commission.

At the July 5 meeting this Board rejected this proposed amendment. Following the rejection a new amendment must be reinitiated and come back through the process. The amendment did not come back and also violated it by significantly changing. The amendment being considered now is different than the ordinance that was previously considered. The changes to the amendment include changes to the legal description, the lines and a new zoning map. This should go back through the process and have another public hearing. This failure to restart the process violates sections 9.01, 9.02 and 9.03 of the ordinance.

They also contend it violates the Michigan Zoning Enabling Act, Section 103 of the Enabling Act requires that these specific subjects of the zoning change request be identified. This new property is different from the original property and therefore there is a defect and a violation.

They are also concerned with the lack of proper public notice during the revival of this amendment. The proposed amendment wasn't on the August 3 agenda but it was indicated that it will be a discussion. There was a whole new map that was created and should have been made available; this lack of notice also violates the ordinance.

Finally, it is unclear if the Township complied with section 9.03(D) which requires notice of adoption of the ordinance should be filed with the Oakland County Planning Commission and it doesn't appear to them that has happened. These are some of the process errors they see. He urged them to reject the ordinance as they did before, because it does seriously detriment his client.

Michael Hindelang, 661 Woodward Ave., Detroit – Explained the deficiencies they raised remain unaddressed and it is their wish that they reject the proposal. The primary change in condition is the elimination of the railroad and the changing character of the area. Respectfully, the railroad ceased operation 35 years ago, more than a decade before Continental Aluminum opened. To site the railroad as a change in condition is simply improper. The zoning, the rezoning creates an inequity. It is taking over the townships own procedural requirements, the desire to implement mixed use on what has been an industrial property and that ties into factor number 7 which is the consistency of proposed zoning with classification of surrounding land. The airport is on the north and the west, I-2 heavy industrial borders to the east, I-1 industrial to the remainder of the east and the consent judgment area to the south so the notion that the mixed use development is more consistent than the current I-1 zoning is not correct. It's currently surrounded by other industrial uses and by the airport. The consistent zoning would be to maintain the I-1. He questioned if this amendment will set precedence. He felt that it would set precedence. The procedural deficiencies, beginning with the Board rejecting this proposal, it's procedurally improper to be revisiting it in this fashion, to take a rezoning on their own motion and over the objection of the property owner, it is not only an inappropriate precedence but should be troubling to all residents. The notion is repugnant and he urged them to reject the motion.

Tamara Ward, 28413 Abby Lane – Administrator of Abby Park, She urged the Board to adopt the multi-use zoning because she believed it is a more consistent use that is adjacent to their property. She hoped one day their residents would have access to services on that land and provide an appropriate buffer between the industrial zoned property and their community.

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

MOTION APPROVED

D. Town Hall Video Streaming Bid Documents

Supervisor Young explained that the documents were not ready at this time and that this item should be tabled.

**Motion by O'Neil, second by Carcone
To Table the Town Hall Video Streaming Bid Documents.**

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

MOTION APPROVED

NEW BUSINESS

A. Sump Drain Improvements

Ms. Zawada explained there are several developments proposed in Section 36 of the Township. There are also some large vacant properties that they expect developments to be proposed soon. The drain is a county drain and goes through Washtenaw and Wayne County and they have an Inter-County Drain Board. Attorney Stacy Hissong and Steve Korth gave a brief explanation of the improvements needed regarding the drain and how it will be paid for.

The drain was established back in the 1800's and it hasn't been improved since the 1920's.

Supervisor Young asked if the petition is signed, will the Township be on the hook for. Ms. Hissong explained once it's signed there is no way to take back the petition. The Township is a major stake holder. Mr. Korth stated that they are one vote out of four and the commissioners understand the issues and share the wishes of the Township and are interested in repairing the drain. Oakland County is 65%, Salem Twp. Is 17%, Wayne County is 15% and Washtenaw County is 2.78%. Supervisor Young questioned if they would make sure the estimates are accurate. Mr. Korth stated that is correct.

Trustee Dolan asked how extensive is the repair? Mr. Korth stated it needs a total reconstruction. Trustee Dolan asked if the developments didn't happen; would there be a different way to clean the drain? Mr. Korth stated he wasn't sure if it would go forward without the developments. They know there are flooding problems out there and now is the opportunity to do something on a larger scale. They would do something no matter what.

Ms. Zawada explained it is needed whether the developments happen or not.

Trustee O'Neil stated the new developers that are increasing the problem should be on the hook to pay for it, that is where he has an issue. Once it leaves here they are stuck with an outcome as are their residents and this is a hard to do without any hard numbers.

Mr. Korth stated that he is willing to make the commitment on behalf of the Water Commissioners that the cost will not go to the residents but to the developers. Ms. Zawada stated that language will be in the PUD Agreement. Trustee O'Neil asked what the timing is. Mr. Korth stated it would be nice to have construction next summer with the idea is to keep moving forward. Trustee O'Neil asked about accessing private property and tree clearing, do they expect much in the way of restoration. Ms. Zawada stated no.

Ms. Zawada explained she has been in contact with one developer regarding the developers bearing the cost and it has been in all of their reviews regarding the cost. Ms. Hissong stated that was made abundantly clear to the developers.

Supervisor Young questioned the liability. Mr. Korth stated there are two parts; they are on the hook for the maintenance as it stands today, divided by the property owners as it does now.

Treasurer Carcone stated if they were to pass this, can the developers put the money up in an escrow at the beginning. She is very concerned; it's like a special assessment. She wants to see it in writing and put the money up front. She does not want the liability on the Township or the residents. Mr. Korth stated he didn't think it was in the millions but more like in the hundreds of thousands and they can work with the developers and Township, there are options.

Supervisor Young asked if this was not agreed to today, the developers have major expenses he was not sure if they understand the process. Ms. Zawada stated the developers of the properties all had representatives at the last meeting where this process was outlined. She explained that the developers of the properties were in attendance at that meeting.

Ray Cousineau stated he attended several meetings on behalf of Lombardo homes, they have the same concerns the Township does, and they put together the preliminary design with a \$350,000 price tag on it. They are concerned with the process moving forward and if turned out to be a 7 million dollar project then they don't want any part of it. They have agreed in principle to move forward but if the number is too big then they want to pull the plug on it. This is the best option that they have right now.

Mr. Korth stated that the Drain Commission can pull out if the developers were to pull out.

Ms. Elowsky questioned if a letter of understanding is necessary? Ms. Zawada stated it was not necessary because it's a condition of all of their approvals. The only property owner where an agreement is needed would be the Soave property and that would have to happen before moving forward.

Motion by Carcone, second by Cash

To approve the resolution for the maintenance and improvement of the Intercounty Drain on behalf of Lyon Charter Township, Sump Intercounty Drain for Oakland, Washtenaw and Wayne Counties as submitted.

Treasurer Carcone noted that it was her intent to note that the residents would not pay for the construction but would be responsible for maintenance as is currently done. Trustee Blades questioned the cost of maintenance. Mr. Korth stated in reality it will be less because it's a new facility.

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

MOTION APPROVED

B. Request to Vacate Private Road Easement – Homeport Drive

Mr. Doozan referred to the McKenna Associates memo August 19, 2016. He explained that Dennis and Theresa Binkley submitted an application to divide their property, which is located at 59645 Homeport Drive. Prior to approving this application, they identified the need to vacate an unused private road easement, which extends perpendicularly off of Homeport Drive. Since a private road was never built on the adjoining parcel, and the Township does not permit new private roads, the perpendicular easement no longer serves a useful purpose.

Motion by O'Neil, second by Dolan

To approve the resolution to vacate the private road easement for Homeport Drive.

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

MOTION APPROVED

C. Orah Petroleum, Inc., Proposed Text Amendment; AP-16-25

Mr. Doozan referred to the McKenna Associates memo dated August 11, 2016. He explained that the Planning Commission concluded its deliberations by approving a motion by a 5-1 margin to recommend approval to the Township Board of the drive-through regulations as presented.

Supervisor Young explained the goal has been to create a walking district in the core area. There is always some little extenuating circumstance; we've made good sound decisions. By putting another tool in the tool box will be a positive thing. It doesn't mean the special land use would be approved; it has to stand on its own merit.

Trustee O'Neil agreed it was another tool to use when the need arises.

**Motion by O'Neil, second by Cash
To approve AP-16-25 Orah Petroleum Inc., Text Amendment to 2nd reading.**

Robert Swain – He questioned sections 19.02J and 19.02K and questioned the duplications or if the intent was to have one section cover both or have two sections. Ms. Elowsky stated that they will catch the differences in final preparations. Mr. Doozan will take that under advisement.

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

MOTION APPROVED

D. Estates at Hutsfield Planned Development – Conceptual Review; AP-16-26

**Chris Cousino
Nick Mancinelli
Steve Deak
Ray Cousineau
Rick Hofsess**

Mr. Doozan reviewed the McKenna Associate's memo dated August 24, 2016.

Ms. Zawada referenced the CES memo dated August 31, 2016. The following items were noted:

1. Sanitary Sewer shall be extended along the Griswold Frontage as required by the Township Utility Ordinance or an acceptable alternative so that parcels on the west side of Griswold may be serviced by sewer in the future; please show this on the Preliminary PD submittal.
2. 16" Water main shall be provided along 8 Mile to the east boundary line of the project for future extension. This shall be shown on the Preliminary PD submittal.
3. A sewer stub shall be provided to the east and sized appropriately for future extension to service the district. This shall be shown on the Preliminary PD submittal.
4. The Traffic Study referenced traffic counts from March of 2015, prior to Griswold Road being paved. She recommended that these traffic counts be revised since the conditions have changed.
5. Please note that this parcel was part of the Southwest Sewer SAD which was established in 2006. During the downturn in the economy this parcel became under the ownership the Township. The Township sold this parcel to the current owners in 2013. Part of the purchase agreement was the requirement of payment of approximately \$400,000 per year until 2026.

Mr. Cousineau and Mr. Deak gave a brief power point presentation representing the proposed development.

Trustee O'Neil stated 10' between buildings is a concern to him. It won't look as appealing aesthetically; it would be nice to get to 15'.

Mr. Deak stated that the Township will be happy with the products and they will be happy to show similar products that will have an attractive front face, they don't feel that it will be an issue aesthetically. There have been several projects, like Mill River that have similar setbacks. On a number side, some of the discussion that came out at the Planning Commission meeting was to trade some open space to add more space between homes. The loss would be about 30 lots, and to compensate for that they had talked about using the open space and after discussing that they felt it would be a shame to do that.

Trustee O'Neil explained that he would want the new traffic count done because he felt it would be a major concern. Mr. Cousino stated they can have them review the traffic study.

Treasure Carcone stated that the Planning Commission felt it was still a good deal but voiced concerns with the setbacks and adding amenities.

Clerk Cash asked if there was a way to handle the straight away to prevent speeding. Mr. Deak stated that they will add some traffic calming measures.

Trustee Blades stated that she felt this did not fit the semi-rural community. She is concerned with the useable open space and accessibility. She is concerned regarding the setbacks between the homes and the road geometry. She would prefer the preservation of the open space and reduce the density.

Trustee Hicks stated he would like to see a kink in the road and he liked the project. It's a good transitional zoning. He would prefer this than the apartments that were allowed on this property.

Trustee Dolan questioned the home elevations and the price point. Mr. Cousino stated that the starting homes would be mid to high \$200's, averaging out \$320's, brick fronts, 1900-2400 square feet with front loaded garages. They will have sidewalks inside the right of way line.

Supervisor Young would not like to see the open space traded for the increase in setback. Everything about this plan is an improvement over what could be done. He always prefers a purchase product vs. an occupied project. He agreed that the road way should not be straight and he hoped for colored renderings.

Mr. Cousino agreed to look at lining up the roads Woodfarm Lane and Foxpointe Lane.

E. South Lyon Fire Department Consolidation update

Chief Van Sparrentak explained that South Lyon Fire Chief, Mike Kennedy made a presentation to the South Lyon City Council on 8/22/16 to consider fire protection for the City of South Lyon to be provided by the Lyon Township Fire Department. Chief Kennedy and Chief Van Sparrentak provided an update on the current status that followed the South Lyon City Council Meeting.

Chief Van Sparrentak explained there were many comments and discussion at the City Council meeting but their support was unanimous. Mike Kennedy explained this is something they have discussed for some time. Would be positive and a mutual benefit to both communities. There are shared benefits to both communities with this.

Chief Kennedy explained the South Lyon City Council voted to move forward and there was no contract or agreement that was approved, they have two of their counsel people to address concerns and if there was interest then Lyon Township would send two people as well to debate if it's worth pursuing. Chief Van Sparrentak thought that two fire fighters could also attend. He felt that holding 2-3 meetings and they would either come to an agreement or not.

John Dolan and Patricia Carcone volunteered to participate in the committee.

**Motion by O'Neil, second by Cash
Move to appointment John Dolan and Patricia Carcone to the Fire
Department Consolidation Committee.**

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

MOTION APPROVED

Trustee Blades commended the Lyon Township Fire Fighters and she felt it was important to look out for the best interest of their firefighters.

F. Discussion to Post for Part Time Code Enforcement Officer

Supervisor Young explained they have been talking about this for a long time. He is asking for the permission to post for this position.

The Board members were in agreement with positing the position and then setting up an interview committee.

G. Proposal to Construct a Private Road – Huron Valley Outfitters, LLC

Mr. Doozan referenced the McKenna Associates memo dated August 30, 2016. He requested that the Township Board consider approving a private road to provide property frontage and access to the subject property in consideration of the following points:

- The Road Commission has indicated no interest in making Helene Drive a public street.
- Currently, there is no other means of access to the property.
- When the VS-17 property was acquired by the Township, private roads were still allowed in the Township.
- The Township has previously approved private roads in extenuating circumstances, where the Road Commission would not consider public roads.
- Access to the subject property is an issue that must be resolved, regardless of the user.
- The private road would be required to be built to public road standards.

Ms. Zawada explained she had concern that the ingress/egress may not meet County Road requirements. This looks like a private road situation and Road Commission has zero interest. It needs to be resolved for this property to be developed.

Trustee O'Neil stated without access there would be no value.

Motion by Hicks, second by Blades

To allow a private road as opposed to a public road to be built along Helene to access the property.

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

MOTION APPROVED

H. School Proposal for an Oakland County Sheriff's Officer

Mark Venus explained they will be putting a school officer back in South Lyon East High School. The school agreed they would want to get this going by October 1st. There hasn't been one since 2009. The office is already there and categorized, also the Officer would be obligated to take care of the elementary schools. During the summer months they would also retain the officer and use him wherever he was needed. The cost is \$33,852 for 3 months, the School Board has agreed for 2017 that they would have \$50,000 to kick in and fund the officer.

Supervisor Young reviewed the cost for the officer and noted that this can be reviewed one year at a time.

Trustee Blades noted this is a fantastic addition to our schools.

Motion by Blades, second by Dolan

To commit a Patrol Investigator and share the cost of the officer for October, November and December 2016 and 9 of the 12 months for 2017.

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

MOTION APPROVED

ADJOURNMENT

Motion by Carcone, second by Cash

To adjourn the regular meeting at 9:38 p.m.

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

MOTION APPROVED

The Board of Trustees meeting was adjourned at 9:38 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash

Michele Cash
Lyon Township Clerk