

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
February 6, 2017

Approved: **MARCH 6, 2017**

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

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

Guests: 24

Also Present: Tina Archer, DDA
Chris Doozan, McKenna Associates
Jennifer Elowsky, Township Attorney
Leslie Zawada, Civil Engineering Solutions, Inc.

APPROVAL OF CONSENT AGENDA

Approval of Regular Meeting Minutes of January 3, 2017
Approval of Disbursements
Building Department Report for December 2016
Fire Report December 2016
Zoning Report January 2017
Oakland County Sheriff's 2016 Annual Report
Acceptance of Grant of Permanent Water Main Easement from Parcel #21-13-100-011
Acceptance of Grant of Permanent Water Main Easement from Parcel #21-13-300-004

Trustee Enlow asked that the McKenna Associates invoice be removed for discussion for item 11A and Trustee O'Neil asked that the Giffels Webster bill regarding the waste water treatment plant be removed for discussion as item 11B.

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

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Trustee Hicks reported on this day in 1935 the Monopoly game went on sale for the first time and Alan Shepard hit a golf ball on the moon in 1971.

Trustee Enlow reported that he was appointed as the SEMCOG delegate and he did meet with them last week as they begin their relationship.

Treasurer Carcone reminded residents that their taxes are due by February 14 without penalty or interest.

CALL TO THE PUBLIC

Becky Shriner, 61825 Tayberry Circle - She expressed her concern about high density building. She is worried it will lead to precedence. She would like to express her concern about rezoning things and allowing high density building. Residents do have a lot of same concerns she has. She questioned how the Township reaches the population other than the website so people are informed about what is going on.

Jim Hamilton, 24200 Martindale Road- He felt the internal part of the Township structure is fractured; he wants to stick to the Master Plan and get the density down.

REPORTS

DDA – Ms. Archer brought the Board up to date regarding the business of the DDA.

Fire Chief – Chief Van Sparrentak reported there were 116 calls in January and they hired 2 firefighters and there was one resignation.

Sheriff – Lieutenant Venus reported there was an overdose resulting in a death on Friday night and there were also 2 other overdoses in the Township. It's been some time since they've had them. He spoke about a program that deals with E-Commerce where people can come do their Craig's List sales and not be in fear.

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

ZBA – Trustee Blades gave an update regarding the last Zoning Board of Appeals meeting.

Park Advisory Board – Mr. Doozan reported the meeting was cancelled due to no quorum.

APPROVAL OF AGENDA

Motion by Cash, second by O'Neil

To approve the agenda with items 11 A and 11 B added.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

UNFINISHED BUISNESS

A. Discussion about Great Lakes Water System

Ms. Zawada reviewed a spreadsheet showing groundwater vs. GLWA projected costs. She also provided the projected increase for South Lyon Community Schools if GLWA was used.

She would like to discuss irrigation further at the next meeting. Rate increases would be needed even if they don't use GLWA. Ms. Zawada explained that a rate specialist would be needed to come in and analyze.

Trustee Enlow commented that he has heard the concerns are the cost and the cosmetic issue of having rusty water. He would like to have public input to find out what the customer expectations really are.

Trustee Blades commented the costs for the schools would increase, would it be reasonable to project Pearson Elementary would also have a similar increase.

Ms. Zawada explained it would make sense to have GLWA at the next Board meeting in March and she would recommend having the rates looked at by a qualified rate analysis.

Supervisor Dolan suggested sending a mailer survey to the resident users in order to get their true input to help them make a decision. The Board members agreed

Trustee O'Neil expressed his concerns regarding the staggering cost and he has heard from people who do not want it, more than they do want it.

Robin Allen, 28550 Tindale Trail – Are we going to get stuck paying a portion of bringing a line in, when they have a well now. Ms. Zawada stated no, water customers only. He asked what would happen if their well went bad. Ms. Zawada stated right now the Township does not require hook up, they will be giving them x amount of water and x amount of dollars, currently you could drill a new well and she did not anticipate that changing. Mr. Allen confirmed the cost will fall to the people that are currently on the water system.

Chris Schaecher, 59878 Mulberry Circle – He wanted to know if the Township is currently looking at adding people that are not on the system. His fear is that the Township will make them go on the system. Supervisor Dolan stated none.

Jim Hamilton, 24200 Martindale – He questioned what will be the greatest improvement when they increase the iron filter, the peak cost won't cost them so much more money, he thought improving our water would be the best.

The Board agreed that they would like to have GLWA attend the March Board meeting.

B. Update on Town Hall Video Streaming Bid Documents

Supervisor Dolan reported he is still working on this but he is pretty optimistic that they will have some equipment in here soon.

NEW BUSINESS

A. Estates at Hutsfield Planned Development – Preliminary Review AP-16-26

Mr. Doozan reviewed the McKenna Associate's memo dated January 18, 2017. The Planning Commission reviewed the preliminary plan for the Estates at Hutsfield on November 28, 2016. The Commission was generally in support of the development, noting that it will serve an important, largely unmet, housing need. Commissioners also noted the substantial reduction in density, compared to what could be development under RM -2 zoning. The Commissioners agreed that a second tot lot would be needed in the north open space.

A motion was approved by a 6-0 margin to recommend approval of the preliminary plan for the Estates at Hutsfield, subject to the conditions in the letters from McKenna Associates and CES, provide that a second tot lot is constructed in the north open space, and with the understanding that the setbacks proposed on the plan would be acceptable.

Ms. Zawada referenced the CES memo dated January 31, 2017 and noted the following items in her letter:

Sheet 1 Cover Sheet

1. Site plan note number 2 calls for sanitary sewer stubs at two locations. These should be shown and labeled on the plans for future extension. Sanitary sewer may be required along the entire frontage of Griswold Road as stated in their review letter dated August 17, 2016.
2. Site plan note number 7 calls for a proposed 10 foot wide path along Griswold and Eight Mile Roads. Plans should state type of pathway and proposed material for construction.

Sheet 6 Grading and Storm Water Management

1. Phase limits should be outline on the plan, please note that each phase shall be self-supporting and will be reviewed in more detail during the detailed engineering reviews.
2. Drainage district limits for each storm water detention basin system should be outlined on the plans.
3. The ultimate storm water outlet for the project should be indicated on the plans. A downstream analysis is required to ensure there is no negative impact downstream.
4. The proposed storm sewer crossing unit 96 will reduce the building area for that unit. A minimum easement of 12 feet wide is required for all storm sewers.

Sheet 7 Utility Plan

1. Water main calculations for flows and pressures may be required for detail engineering reviews for dead end water mains between different phases of construction etc.

She noted that since the Planning Commission meeting she has been in contact with Washtenaw County Road Commission and they have recommended that the applicant contact them regarding the intersection of Griswold and 8 Mile early in the process.

Mr. Steve Deak provided a brief update with a power point presentation.

Treasurer Carcone provided a history of this parcel and the debts that were on it. The Township sold the property which removed the debt off the Township. This property is zoned multiple and could have over 500 homes on it, she is in favor of this project with the 216 homes on it which will provide home ownership.

Trustee O'Neil has a concern with 10' between structures; he did not think anything has been approved for anything less than 15'. He would like to see Lot 204 go away due to the headlights and put a 10' access in that area, and from 205 west and 203 south to 8 Mile could stretch those lots. 209-210 could move a little further south. Lot 115 seems like a challenging lot, the house has many neighbors and the rear yard tapers, he would like to see that lot go away and stretch the homes around for extra area in that cul de sac. He would like to see it stretched out a little bit and make it better by plucking out a couple of lots and make some gains in some areas.

Trustee Enlow questioned the density calculations and noted under the current zoning and the purchase agreement they can get 280 single family homes. His issues are with the setbacks. They should have known they should be meeting the setbacks in order to get an appropriate plan. He did not like the balking on 50% or more of setbacks. The number one community benefit is that they pulled a tax debt off of the books, and contributed \$100,000 to the paving of Griswold Road. Treasurer Carcone explained that they did speak to the Fire Chief and they can fight a fire with that spacing. Chief Van Sparrentak commented that they will adjust.

Trustee Enlow explained the Griswold paving project was over \$2.2 Million dollars and if it was a PD, the developer would have paid for half of that. The other community benefit was the water and sewer extension but those are self-serving. To balance off the benefits, the woodlands area is identified in the Master Plan as priority woodlands and a lot of that is being disrupted by the north portion of this development and he felt if the setbacks were expanded they could save more of those woodlands. He also suggested, based on the traffic impact study, signalization is suggested at Griswold at Eight Mile and Griswold and Nine Mile so there are options to bolster the community benefits and make it a better project.

Trustee Blades explained she liked the original plan that offered duplexes, senior living and apartments. She questioned if they would alter the plan to include duplexes or senior housing. Mr. Cousino commented that there was a void in the market for

affordable single family housing in this market. Trustee Blades is also concerned with the setbacks, she can't fathom being that close to another home especially given the home styles that are being offered. She also felt the setbacks would hamper future developments. She is not in favor of the layout. She commented it's the concern of putting so many homes close to each other with such a variance from required setbacks. Also, she has concerns regarding the accessibility to the large open space, and the street numbers are not readily visible at night. As identified in the CES letter, she questioned the 10' wide path that should be extended to the intersection of Griswold and 8 Mile and a significant concern is if the developer has contacted Washtenaw County Road Commission.

Mr. Cousineau explained they reached an agreement of 280 units they were trying to find a balance and meeting an economical plan that works for them. A 10' foot is small for this community but they feel this will be a success for them. Those were the give and takes to try and get the setbacks and the site plan that works. They would not be able to move forward with this project without this number of homes. Trustee Blades stated she understands a business model but she also cannot remember approving homes with 10'.

Trustee O'Neil questioned if 3 lots can come out to improve the setbacks. Mr. Cousino agreed he could look at losing a couple lots to increase the buildable area. He agreed to look at two lots.

Trustee Blades commented that if she was a developer she would know what is reasonable in a certain amount of space, they had to have known there was no way to place this many homes on this parcel. She can't get beyond the fact that they realistically knew they couldn't fit this number. Mr. Cousino stated that they could, they have open space that it is being preserved, even before they closed, they did prepare layouts that netted out 280 units with the understanding there would be give and take with the Township.

Treasurer Carcone stated they really didn't want to see 500 apartments on this parcel. They couldn't get financing then either, this was a hard four years for any Board to go through and try to figure out how to save the Township. They did the best they thought they could do and she couldn't believe they made it.

Trustee Hicks commented he lived on a lot this size for 27 years and it had less square footage than any of these. This is adjacent to a trailer park and to the north there is a railroad track and wetlands. It's a workable plan and it addresses a concern that they hear a lot about. He is happy with the plan the way it is.

Mr. Cousineau stated he would agree to look at removing two lots in an effort to maximize the lot sizes. Trustee O'Neil questioned the traffic light. Mr. Cousineau stated they go with their prelim site plan, they have not submitted formal application but they will work with them, they can't carry the brunt for all the improvements but will work with the Road Commission as long as it's in perpetuity to the traffic flow. Mr. Cousineau stated he can say they would make a contributing donation of \$50,000 towards a light at 8 Mile and Griswold.

Trustee Enlow stated there are two ways to look at the transitioning of this property. He felt they could do more than getting rid of 2 lots and he would like to see more than 10' between homes. The previous Board did what they had to do regarding this, but he is uncomfortable supporting this. The profit of 16 million, minus the 4 million debt would still provide a tidy profit.

Trustee Blades stated she understood what happened with the previous Board. She wished there was more concern for the 10' between homes, or having a small place with duplexes or even looking at some of the homes that could be sized down. Different homes styles that will be in such close proximity. Mr. Cousino stated that new homebuyers want the new amenities, 3-4 bedrooms, 2.5 baths and 2 car garages. 40' footprint is the minimum footprint and is typical for a builder.

Motion by Enlow, second by Blades

To table preliminary review based on recommendation from the CES letter of 1/31/17. Mr. Enlow withdrew his motion.

Motion by O'Neil, second by Cash

To approve AP-16-26 for preliminary site plan subject to removal of 2 lots to increase space between homes and a minimum contribution of \$50,000 toward traffic and intersection improvements.

Mark Hannon, 59488 Eight Mile Road – His concern is really with the Township review process relative to other governing bodies and the Washtenaw Road Commission. He felt the Road Commission's concerns should be known up front. It would be the best to get these requirements prior. He asked the same thing 3 times to get the road commission for Hasenclever Farms, once those requirements were learned it was much bigger than what was shown. He went through the consent agenda's and the Township paid \$10,234 for planning fees, \$7800 in engineering fees, and attorney fees just for Hasenclever Farms just processing a planned development. Trustee O'Neil stated all the bills are paid for by the developers not the Township.

Jim Hamilton, he confirmed the first motion to table was withdrawn.

Chris Schaecher, 59878 Mulberry Circle – There are concerns that have arisen, Griswold is paved now, that needs to be counted for or against. There is a traffic light that has to go in, and he questioned why there are so many reductions given to this property. They do worry about their property values, he questioned if a traffic study has been done? Mr. Doozan stated yes, and it concluded a need for signalization at the two intersections. Another concern is the amount of traffic within that same area. He asked that they keep everyone in mind.

Ray Cousineau – He commented that they need to get input from the other jurisdictional agencies, he does this between preliminary and final approval and it is part of the next process and they will be handled prior to a final.

Trustee O'Neil stated the developer will need to do whatever is required by Washtenaw

County Road Commission in addition to.

Mark Spencer, 25400 Milford Road – This community attracted him because of the nature of it and these gentlemen come in and take away what attracted them here. He appreciates everything they went through, he hoped to table this and take a good hard look to stick to our rules.

Robert Cameon, 21075 Park Woods Dr – He would like to point out that they have rules for space for safety reasons, putting homes 10' apart is putting people's safety in jeopardy and that should be considered. If there is a fire in one house it will take out the whole row if it's a windy day.

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

MOTION APPROVED

B. Therapeutic Massage Application

Mr. Doozan reviewed the McKenna Associates memo dated February 1, 2017. Based on the findings listed in the letter, he recommended that the Township Board approve the Business License for Wina's Therapeutic Thai Massage and Spa for 2017 (The ordinance requires that licenses expire on December 31 of each year).

Motion by O'Neil, second by Carcone
To approve the Therapeutic Massage Application request.

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

MOTION APPROVED

C. Johns Road Water Main Contract Award

Ms. Zawada referenced the CES memo dated February 5, 2017. She explained the bids were opened on February 2, 2017 and there were a total of four bids submitted. Bricco Excavating Company, LLC submitted the low bid in the amount of \$1,998,796.00. The second low bidder was DVM Utilities with a bid in the amount of \$2,128,067.35.

She has verified references of the low bidders and has found no issues with their performance or quality of work and therefore recommends that the Township award the contract for the Johns Road Water Main project to Bricco Excavating Company, LLC.

Motion by Blades, second by Cash
To award the low bidder for the Johns Road Water Main Contract to Bricco

Excavating Company, LLC in the amount of \$1,998.796.00.

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

MOTION APPROVED

D. Walnut Creek Country Club Easement Agreement

Ms. Zawada referenced the CES memo dated January 31, 2017. She explained she has been negotiating easement for three parcels owned by Walnut Creek Country Club along Johns Road as part of the Johns Road Water Main project. An agreement has been drafted by their attorney and reviewed by the Township attorney.

The main area that the Club was concerned about is the south 1500' of the project. This area is along Hole 1 of their 18 Hole course. The Club needs the Township to be complete with this portion by May 1st due to their schedule and the project has been bid with this provision. If it goes beyond May 1st the agreement states there could be damages since it would interfere with their outings and their members. She would recommend if this portion of the project is not complete by May 1st then work remains in the evenings and the agreement is modified at that time or they delay work to the fall without damages. She would also request that they work at night.

Treasurer Carcone stated she would like the neighbors to be notified.

Ms. Zawada explained she wanted the Board to be aware of this.

**Motion by Cash, second by Blades
To approve the Easement Agreement for Walnut Creek Country Club.**

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

MOTION APPROVED

E. Discussion to Request an Ordinance for Visibility of House Numbers

Trustee Blades explained the need for visibility of house numbers and suggested that illuminated house numbers be required moving forward. Mr. Doozan stated they have been requiring it for all new PD's and it can be added.

Going forward the Board agreed it would be a good idea.

F. Discussion to Create a Subcommittee to Work on a Conservation Greenway Plan

Trustee Blades commented she is willing to serve on a sub-committee to identify some conservation properties. She wondered if there was any interest and how to begin moving forward.

**Motion by O'Neil, second by Cash.
To appoint Lise Blades to the sub-committee.**

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

MOTION APPROVED

G. Discussion on Road Commission for Oakland County Gravel Roads

Supervisor Dolan explained this was passed by the State that the gravel road speed limit can be lowered to 45 from 55 mph. The cost of the signs would be approximately \$40,000.

Trustee O'Neil stated he is in favor of lowering the speed limit.

**Motion by O'Neil, second by Enlow
To authorize Supervisor Dolan to send a letter of intent regarding PA 445, 446 and 447 to request that they post all of the county eligible public roads that are gravel at 45 mph rather than 55 mph.**

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

MOTION APPROVED

H. District Firefighter Proposal

Chief Van Sparrentak referenced his memo dated January 13, 2017 explaining that Lyon Township should pursue district firefighters with the goal of taking well trained firefighters and EMTs and making them a part of the Lyon Township Fire Department. These firefighters may already be established elsewhere.

District firefighters will:

*Bring years of experience that results in improved fire ground tactics and better patient care.

*They will serve as mentors for our younger firefighters.

*They will fill vacant shifts that often leave us short staffed and with reduced community protection.

This proposal better protects the community and its firefighters without negatively impacting the budget. Provided for your review/feedback is the proposed district firefighter policy.

Treasurer Carcone explained that she would like to see where the holes are in the shifts and what is not being covered. She is concerned with someone out of the area not knowing the streets in Lyon Township, would they be driving our trucks do they have to be with someone else. Chief said that wouldn't be problem for him, they would be trained.

Trustee O'Neil felt if they are highly qualified it didn't matter where they lived. There was discussion regarding shifts and who would have the first pick of shifts.

Chief Van Sparrentak explained he can bring in a 6 month list showing what shifts have been open, they need to start doing something and moving forward.

Chief suggested meeting with Clerk Cash to go over more information.

Chris Schaecher, 59878 Mulberry - He suggested 24 hour shift rotation might be something to explore.

**Motion by Carcone, second by Cash
To table the request for more information.**

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

MOTION APPROVED

I. Firefighters Night Shift Pay Increase Proposal

Chief Van Sparrentak referenced his memo dated January 19, 2017. The proposal is to increase the night shift rate for LTFD firefighters to \$12 per hour. This would be an increase of \$2.28 per hour from the current \$9.72. During incident responses, firefighters would continue to get the increased call rate of \$16.28; the same as the day shift and afternoon shift firefighters. He explained adjustments will be made as needed in other budget lines to stay within 2017 budget limits.

**Motion by Carcone, second by Hicks
To approve the Firefighters Night Shift Pay Increase Proposal as presented.**

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

MOTION APPROVED

J. Capital Improvement Plan Discussion

**Motion by O'Neil, second by Cash
To table till the March meeting.**

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

MOTION APPROVED

K. Approval for Administrative Assistance Salary

Supervisor Dolan explained the Administrative Assistant salary would be \$40,000 and a single insurance.

**Motion by O'Neil, second by Blades
To approve the Administrative Assistance salary as presented.**

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

MOTION APPROVED

L. Discussion for DPW Director

Supervisor Dolan explained the need for a DPW Director and at the next meeting if the Board was in support he would provide a job description. The Board was in support.

M. Lyon Township Reception Desk Bids

Supervisor Dolan reviewed the bids for the reception desk. \$9700 was the lowest bid and it will match the rest of the office furniture.

**Motion by Blades, second by O'Neil
To approve the Reception Desk lowest bid in the amount of \$9700.00 for De Felice Design and Construction Inc.**

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

Nays: None

MOTION APPROVED

11A. McKenna Invoice

Trustee Enlow questioned page 2, of the December invoice, hourly services, number 3. The Master Plan revisions that occurred regarding the future land use map updates that they directed at the PC level. At the time it was discussed as a typographical error that the map was not finished as represented in the meeting minutes. He felt uncomfortable to pay to fix the error.

Mr. Doozan stated that he collected economic data to determine the demand for commercial at the location at Ten Mile and Milford Road to provide a basis to change the Master Plan back. He did not agree it was a typographical error that the Master Plan showed that as commercial. He felt there was a need to have written data to provide a basis to change it back.

Mr. Enlow also explained that the entire Planning Commission also felt that it was. Mr. Doozan proposed going over the economic data and he can show him what needs to be done. Supervisor Dolan suggested researching it further with Treasurer Carcone.

**Motion by Carcone, second by Hicks
To pay bill in full.**

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

MOTION APPROVED

11B. Giffels Webster

Trustee O'Neil questioned the extra services requested on the Giffels Webster invoice. He would also ask that Supervisor Dolan and Treasurer Carcone speak with Loren

Crandall to see where they are in the time table and obtain a list of all of their change orders and not bill them for providing it.

**Motion by O'Neil, second by Blades
To not pay the invoice 112939 dated 1/10/17 until further detail is provided
as to what this \$7300 charge is that is billed as additional services for Lyon
Wastewater Treatment Plant.**

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

MOTION APPROVED

ADJOURNMENT

Motion by Blades, second by Carcone

To adjourn the Board meeting at 11:22 p.m. due to no further business.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

The Board of Trustees open meeting was adjourned at 11:22 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash

Michele Cash
Clerk