

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
April 3, 2017

Approved: **May 3, 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

Absent: Sean O'Neil

Guests: 26+

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 March 6, 2017

Approval of Disbursements

Building Department Report for February 2017

Fire Report February 2017

Zoning Report March 2017

Grant of Permanent Water Main Easement for Parcel #21-26-400-002

Grant of Permanent Water Main Easement for Parcel #21-13-300-000

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

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Clerk Cash reported there will be an election on May 2nd and if anyone is in need of an absentee ballot to contact the Township.

Trustee Enlow reported he attended the SEMCOG quarterly meeting last month and held their election. The Supervisor from Milford Township, Don Green is the Township Representative and the alternate is Chris Barnett from Orion Twp.

CALL TO THE PUBLIC

Judy Roscoe, 25700 Milford Road – She explained they are having problems with water again and that they have lived here 29 years. The Township’s sewer plant and fields are behind her property. There is a 60’ ditch that is going into what was a 2’ creek and is now 15’ across and eroding her property. She contacted the County and has not heard anything back from them. There is a new subdivision going behind the dog cemetery across Milford Road and she is worried about that. The back filling at the dog cemetery is impacting her, she is getting more and more water on her property and she has probably lost 5’ of frontage on her property. It was originally a farm drain and now it is a drain quasi sewer, she doesn’t feel that they should take their growing pains out on the people that have lived here a long time. She is hoping Oakland County can help with this. Some of it is from the rains but some of it is from out back. She would appreciate any assistance.

Stephen Emsley, 51824 Eight Mile – He suggested that Ms. Roscoe have an E.coli test done to make sure there is nothing foul getting into her water. There is a development AP-14-56 that has a 100 year FEMA floodplain next to his house. It must be a very repetitive 100 year flood because it has now happened the last 3 springs in a row. He is talking about 75’ in diameter and 3’ deep and part of their agreement is to have it amended by FEMA. Since it’s already approved, he wanted to make sure it’s being accounted for, wherever that water goes; it’s a big mess over there right now.

Robin Allen, 28550 Tindale Trail – He questioned the clearing next to the bike path east of Milford Road. Supervisor Dolan explained the DDA is cleaning the drain from Grand River to Milford Road.

Sharon Chalifour, 57620 Pontiac Trail – She thanked the Lyon Township Fire and Oakland County Sheriff’s Department for the wonderful jobs they have been doing.

REPORTS

DDA – Ms. Archer reported on current events; New Hudson Café had its soft opening and will be serving breakfast, lunch & dinner. Ms. Archer joined the Michigan Downtown Association. Lyon Twp. and the City of South Lyon are hosting the 20th Annual Heritage Conference with Oakland County, September 15, 2017. The Community Garden will be opening May 1st with 24 – 30 plots available on a first come first serve basis. Take the bottom of the plot number and bring it up to Township Hall to reserve your garden. The New Hudson Drain cleanout has begun from Milford Road east to Grand River.

Fire Chief – Fire Chief Van Sparrentak reported that they have had 379 runs since the beginning of the year. They have plans for a May 13th open house. He will come back to the Board in May or June to obtain approval for the concrete work for Station 1.

They have a brand new rescue in the Township which will improve service delivery.

Sheriff – Lieutenant Venus reported the school liaison officer, Sgt. Biggers has started working in the schools; his office will be at South Lyon East High School and will also take care of all the elementary schools in the Township. Girl Scouts and Boy Scouts visited the substation as well.

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

ZBA – Trustee Blades gave an update regarding the last ZBA meeting, one item was tabled and the other was granted there variance.

Park Advisory Board – Trustee Hicks reported they are still looking for volunteers for the 9th Annual Kite Festival which will be held on June 2nd and 3rd here at the Atchison Memorial Park. Mr. Doozan brought the Board up to date regarding the latest Park Advisory Board meeting.

APPROVAL OF AGENDA

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

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

MOTION APPROVED

UNFINISHED BUSINESS

A. Town Hall Video Streaming Presentation by Richard C. Miller

Richard Miller from Miller Media Vision provided a brief presentation regarding streaming the meetings for the Township. He suggested replacing the audio. He explained all the equipment the township would need, letting the Board know the equipment should last 10-12 years. He explained the streaming of files and suggested using YouTube. He felt branding is very important and confirmed that indexing/chapters can be done. He recommended checking out Novi City's page with the things they post. Mr. Miller let the Board know that the City of Auburn Hills just spent \$150,000 to update their system. Mr. Miller informed the Board that the cost is approximately \$65,000 for the equipment to be up and running, labor and wiring is included and he would charge between \$200-250 per meeting.

Stephen Emsley, 51824 Eight Mile Road – He appreciated Mr. Miller coming in and sharing his knowledge. He was in a meeting where a vote was taken for money to be spent to get a spec written. Supervisor Dolan explained the money was not spent. Mr. Emsley questioned what the problem statement is; they want to get the public to see the meetings. Branding is great, that's not part of the problem, he hears these big numbers and he thought they should go back, start with the business case and problem statement and he has not really heard what that is. The audio is a problem, he hears

a lot of wants, people just want to hear and see the meeting but when they start getting into 6 figures, he felt they should let people come in and give their bids and control the scope. He felt it should be narrowed to what they truly need and eliminate the wants and go with the needs.

Mr. Miller confirmed he is available for special projects as well. He also explained how important the audio system is so people can hear what's happening at the meetings. Supervisor Dolan explained they will get this going but they are going to do it right. He would like the entire audience to know what's going on in the Township.

B. Meadows of Lyon Planned Development – Preliminary Plan Review; AP-13-31

Mr. Doozan reviewed the McKenna Associates memo dated February 23, 2017. He explained this case was tabled, principally because a parallel plan had not been submitted. The applicant has submitted a parallel plan, dated February 12, 2017, which shows that 24 units could be developed on the property under conventional zoning. Thus, the 35-unit plan represents an 11 unit increase.

The Planning Commission reviewed the preliminary plan on December 12, 2016, at which time it approved a motion to recommend approval, subject to providing a minimum driveway setback of 6' on units 9 and 10, where the driveways will be adjacent to each other, and subject to the conditions in the review letters from McKenna Associates and CES. Of course, at the time Planning Commission took this action, the parallel plan was not available for review.

Ms. Zawada reviewed the CES memo dated 12/21/16. She noted the following concerns:

1. The length of the proposed Hilda Court exceeds the maximum permitted length by approximately 77 and this would require the approval of both the Township Board and Road Commission for Oakland County.
2. There is a sidewalk north of lot 20 and potentially up to 3 pond maintenance paths proposed within the 25 foot wetland buffer. She recommended that the sidewalk be discussed, and the maintenance paths be allowed.

Mr. Arkin gave a brief history of this parcel that he purchased in 1971. We have been a good partner to the Township as the Township has for us. It is a very difficult property and he asked that the Board recognize their work with the Township and to allow him to create one of the premier neighborhoods in Lyon Township. Mr. Arkin noted that he would appreciate a unanimous approval.

Mr. Bennett reviewed the plans for the proposed Meadows of Lyon Planned Development. The Clark property really set them back, trying to help the Township since December 2012.

Supervisor Dolan asked if they added the cost that they put into 9 Mile Road. Mr. Bennett explained \$28,000 for the Clark property was spent. Supervisor Dolan explained that the Clark property was done at the request of the Township. Mr. Arkin confirmed they have spent a total of \$471,000.

Treasurer Carcone explained the history of the Clark parcel. Trustee Enlow explained a lot of this is repetitive. Going in the applicant knew of these difficulties with the ITC easement, the gas easement, the railroad and the wetlands. He empathized with the amount of money that was spent on the Clark parcel. There is still a long dead end cul de sac and that does not sit well with him and there is a lack of community benefits for this development.

Trustee Blades agreed with Trustee Enlow. Mr. Bennett explained there has been discussion as to how this all played out, when Mr. O'Neil asked for a parallel plan, the reason they didn't is because the timeline on this has dragged on for so long. Trustee Blades referred to meeting minutes and she explained she is having an issue with a 45.8% density bonus, coming in with 35 units instead of 24 units and she has an issue with the dead end cul de sac. Mr. Bennett explained when he was talking about being within the usable density; he was referring to the way the calculation used to be made. They were entitled to 47 units and they proposed 45, he was explaining that they were in the allowable density which is how they always calculated that.

Trustee Hicks stated he would vote for approval. They get hung up on 1 acre zoning when it was nothing but farm country then and when a nice development like this comes along that can fit into a place with a lot of difficulties he is in favor of it. He also noted that Mr. Arkin has fought a long time on this and he is very deserving of an approval and he is ready to make that motion.

Clerk Cash explained it is a difficult piece and without this development the Township would not be able to get 9 Mile paved and that is a significant benefit. Having the bigger lots with the setbacks between the houses is a positive and it's a good fit for our community.

Motion by Hicks, second by Carcone

To approve Meadows of Lyon AP-13-31 subject to the McKenna Associates memo dated 2/23/17 and all those prior to that and the CES letter dated 12/21/2016 along with the support of the Planning Commission recommendation.

Judy Roscoe – She questioned if the sewage would be running through the 11 Mile plant. Supervisor Dolan stated yes it is.

Roll call vote: Ayes: Cash, Carcone, Dolan, Hicks
Nays: Blades, Enlow

MOTION APPROVED

C. Discussion and possible Action on Water System Due to Volume of Irrigation

Ms. Zawada explained that the language that could be added to the Utility Ordinance that limits the amount of outdoor water usage. Prohibit irrigation from 5 am to 9 am and 5 pm to 9 pm which are the peak water use hours. This is language for their consideration. If they want to restrict it even more they could restrict it to every other day watering. They did not discuss that internally but they can add that if they wanted. She explained public education is also something that will really be needed.

Trustee Blades stressed that this is for water system users only not for private well owners.

Ms. Elowsky noted that this would be a civil infraction if anyone was in violation of the times.

Supervisor Dolan explained the last thing he would want to do is fine residents for watering their lawn. He felt that a few door hangers would be necessary in order to give them an opportunity to comply before they start ticketing. Ms. Zawada stated the goal is to change habits not fine residents. She would support that, no one is interested in finding residents; it's to make them understand that it hurts them by being a water customer and by having an ordinance it shows the importance of it.

Motion by Cash, second by Carcone To add Section 46-134 to Chapter 46 Utilities to the second reading.

Tim Stewart, 29938 Milford Road – He explained he works for the City of Dexter water department and they do this already. The door hangers work fantastic, they don't want to fine anyone, they go and enforce it the first few weeks and by the 3rd or 4th week they are complying and it works out really well. He also suggests adding a second meter.

Tom Silak, 59148 Carriage Lane – He is all for people having good water for their personal consumption and is for water restrictions. He is concerned about the language because he doesn't know who will be on the Board in the future. If they are planning on giving people a warning, by a door hanger or phone call, he hopes the ordinance reflects that. He was concerned regarding people that might not be home. How many violation and in what time frame can they be given, he suggested building the language into the ordinance exactly what they want to do. He is pro water restriction.

Robin Allen 28550 Tindale Trail – He questioned who would enforce this. Ms. Elowsky explained the Code Enforcement Officer.

Ms. Elowsky explained the ordinance allows for three 10 day notices before citations are issued. If they want to require a notice before a citation is written then that should be written into the ordinance.

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

MOTION APPROVED

NEW BUSINESS

**A. Resolution for Local Government Approval for on-premises Liquor License
UBD Cider House, LLC**

Mr. Doozan reviewed the McKenna Associates memo dated February 8, 2017. He explained based on the findings presented, he believed the proposal to produce hard cider on Chubb Road could be considered a permitted home occupation, in which case the use would be in compliance with Township zoning requirements.

Ms. Elowsky stated that the liquor license does allow for bottling and sampling on site. The Township can't change that but can have an agreement with the owner that these are the restrictions based on compliance of a home occupation.

Mr. Villanueva explained they can't get licensed through the State unless the Township approved them first. He continued that this has been a hobby and there would be nothing of the automated variety on site, they are just giving it a shot. They can't move forward without the license and agrees with what the Township is requiring.

Trustee Enlow confirmed they would only have a delivery once every 2-3 days if that. Mr. Villanueva stated they are looking at putting some in a keg and seeing if someone wants to buy it. Ms. Elowsky explained that the license stays with the entity it was written for.

Mr. Villanueva stated they applied to the State and they will approve them once they get this approval then they have to apply to the Federal level. They will then have to answer the Oakland County Health Department, he is already food safe qualified.

Ms. Archer stated this license does not affect their quota and they approved Draught Horse which is the same.

**Motion by Cash, second by Carcone
To approve the Local Governmental Agreement for UBD Cider House LLC
as a small wine maker.**

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

MOTION APPROVED

B. Crystal Creek South – Elkow Farms Planned Development Amendment; AP-14-20

Mr. Doozan reviewed the McKenna Associates memo dated March 17, 2017. At the March 13th Planning Commission meeting a motion was approved to recommend approval of the final planned development plan for Crystal Creek South and the Second Amendment to Planned Development Agreement for the Elkow Farms Planned Development to the Township Board, subject to the conditions outlined in the consultant's letters, and provided that the frontage landscaping along Eleven Mile Road shall be installed in phase 1.

Ms. Zawada referenced the CES memo dated March 28, 2017. She explained this amendment was prompted during the engineering review. It's a minor modification to the lot dimensions to accommodate the change. This development will help relieve the Bella Donna flooding issues as well as the water issue on the Roscoe's property. The water from this development will be directed north, she believed that will help two existing drainage issues in the Township.

Ms. Elowsky explained there are administration issues and they reviewed the changes and everything is compliant now after meeting with Lombardo.

Mr. Windingland from Lombardo Homes provided a power point presentation which provided an overview of the proposed project and gave a history of the Lombardo Home business.

Trustee Blades stated she drove through Hidden Timbers and is pleased that they don't connect together. Mr. Windingland explained due to the cost of constructing a pathway along Milford Road, they decided they will donate an easement for the future pathway. This would allow the land area, to allow the Township to build the pathway. Trustee Blades asked if they would be willing to contribute to the bike path fund in lieu of building the pathway where they could use that money somewhere else. Mr. Windingland stated no.

Trustee Blades did not see the benefit of having an easement she did not see a reason they would ever put a boardwalk there which is why she was hoping for a contribution to be used elsewhere in the Township. Trustee Enlow thought it was a requirement as part of the Planned Development; his thought was to have the donation for the pathway. Last month this board just earmarked money for the park in that area and he would like to see a portion of the pathway for the connection to the park. He would really like to see the money earmarked toward the pathway fund.

Mr. Windingland explained the original plan that was developed did not include the pathway along Milford Road nor did the PD documents. Since the time they owned the property they addressed the connection to Hidden Timbers and the dog cemetery and at this point it's not fair to ask for a contribution for that considering the other items they have done.

Treasurer Carcone explained this parcel came back to the Township through tax sale. All the Crystal Creeks had 5 special assessments on them. They each had about \$27,000 on each lot and they owed 2 million on this parcel and sold it for what they owed. They discussed the sidewalk multiple times, when they split the parcel off, they really wanted the dog cemetery, Lombardo paid the taxes and did the splitting of the property for that. The Township is very happy for that, which is why they asked for the easement, it is very difficult to get through Milford Road. Lombardo also accommodated not having the connection to Hidden Timbers. She felt they did a good job negotiating. If this was back in the past she would agree, but this is at the 11th hour and she knows what the applicant has done.

Trustee Enlow explained he was the no vote at the Planning Commission because of the pathway along Milford Road and he will vote no again tonight because he felt they are missing out on an opportunity to fund the pathway fund.

**Motion by Hicks, second by Carcone
To Approve the Planned Development Amendment for AP-14-20 Crystal
Creek South Elkow Farms.**

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

MOTION APPROVED

C. Hasenclever Farms – Planned Development Amendment; AP-16-39

Mr. Doozan reviewed the McKenna Associates memo dated March 17, 2017. The applicant has presented a solution that not only provides adequate access to Hasenclever Farms, but also improves road connectivity in general in the vicinity. The paved connection to Griswold Road will benefit residents of the new development, as well as existing residents of Lyon Trail and Park Woods. Paving of Deer Haven will also enhance the development potential of land adjoining the road. When the revised plan was presented to the Planning Commission on March 13, 2017, several residents from Park Woods spoke in favor of the plan.

The Planning Commission unanimously approved a motion to recommend approval of the revised preliminary Planned Development plan to the Township Board, subject to the conditions in the consultant's letters, and subject to the signs being relocated as specified by the applicant.

Ms. Zawada referenced the CES memo dated March 27, 2017. She asked that the applicant address how the construction will take place for the Hasenclever vs. Deer Haven and how construction access will be accomplished.

Ms. Elowsky referred to her memo dated March 8, 2017 and stated one of the comments was the construction access and the ownership of Deer Haven Drive.

Mr. Ray Cousineau explained he is representing Nick Mancinelli and he provided a power point presentation highlighting the changes. He also read a letter from Nick Mancinelli dated March 16, 2017. Treasurer Carcone confirmed the residents were pleased with the outcome at the Planning Commission meeting.

Mr. Hannon stated that there were 44 trees removed along with 5' of dirt, he is hoping that will be addressed sooner rather than later. Treasurer Carcone stated that they did speak to Mr. Mancinelli about that and he agreed that it would be graded and taken care of.

Mr. Enlow wanted to make sure that language regarding Mr. Hannon's concerns was part of the PD Agreement. Mr. Cousineau had no issue with adding that to the agreement.

Trustee Enlow commented it's nice the connection was able to be done and he appreciated the Washtenaw Road Commission thorough review. As far as the amendment there is no landscaping on Deer Haven, is there anything planned? Mr. Cousineau stated that they are in the process of hiring a final designer for that, and it will include final engineering when a final plan is brought to the Board.

Trustee Enlow commented they let the project begin earth work prior to getting permits from the Road Commission; they got lucky there was a way out to satisfy all parties. They should have contacted the Road Commission before they stripped the land.

Trustee Blades felt this is a much better plan and she appreciated the diligence of the developer.

Motion by Cash, second by Hicks

To approve Hasenclever Farms Planned Development Amendment AP-16-39 to include the McKenna Associates memo dated March 17, 2017 and the CES memo dated March 27, 2017. Making sure the lot on 8 Mile Road is graded and taken care of.

The owner of the property on Deer Haven stated that he was at the Road Commission meeting and confirmed that they did say it was ok for the road to go through.

Sherry Baker – She questioned the woodchip path. Treasurer Carcone answered that it was at the request of the homeowners.

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

MOTION APPROVED

Supervisor Dolan called for a 5 minute recess at 10:05 p.m.

Supervisor Dolan called the meeting back to order at 10:10 p.m.

D. Approval to Pave the Approach of Grand River Avenue and Old Plank Road

Supervisor Dolan explained Oakland County brought them an estimate that shows it will cost Allied \$27,650.00 to pave, curb and gutter the approach to Old Plank Road, with culvert, grading and design.

Motion by Enlow, second by Cash

To pave the approach of Old Plank Road at Grand River Avenue based on the cooperation of the Road Commission for Oakland County and the quote from Allied in the amount of \$27,650.00

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

MOTION APPROVED

E. Depository Designation Resolution 2017-08

Treasurer Carcone explained she thought it was prudent to have a new resolution which establishes the depository banks that the Township deposits and invests public funds in.

Motion by Cash, second by Hicks

To approve Resolution 2017-08 to establish depository designation.

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

MOTION APPROVED

F. South Lyon Water Tower Repeater Replacement Cost Share

Chief Van Sparrentak referenced his memo dated March 30, 2017. He explained the LTFD and South Lyon FD both rely on the VHF repeater located on the water tower on North Mill Street for incident notification. With the recent high winds, the repeater has had intermittent power outages and during an investigation by Cynergy Wireless. They determined the repeater to be in a total failure state and in need of replacement.

The quoted price for the replacement repeater is \$16,532.00. Township share is 50%, which is \$8,266. This is a shared benefit and responsibility. He recommends paying the City of South Lyon from the fire equipment line item.

Motion by Blades, second by Cash

To approve the expenditure of \$8,266 to the City of South Lyon to pay for the 50% of the Water Tower Repeater located on Mill Street.

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

MOTION APPROVED

G. Jaws of Life Replacement

Chief Van Sparrentak referenced his memo dated March 30, 2017. He explained the equipment is aging and was planned for replacement in 2018. However, the tools have recently underperformed during emergency incidents that move up the need for replacement.

There are two primary vendors for hydraulic/electric extrication tools. Homatro and Hurst and the quotes are as follows: Homatro - \$31,982.97, Hurst - \$28,650. He requested replacing the Engine 2 extrication tools with the Hurst Edraulic quote of \$28,650.

Motion by Blades second by Hicks

To approve the request to purchase the Jaws of Life Replacement in the amount of \$28,650 for the Hurst Edraulic from budget line item number 977.001.

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

MOTION APPROVED

ADJOURNMENT

Motion by Carcone, second by Enlow

To adjourn the meeting at 10:20 p.m.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

The Board of Trustees open meeting was adjourned at 10:20 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Michele Cash

Kellie Angelosanto
Recording Secretary

Michele Cash
Lyon Township Clerk