

Charter Township of Lyon  
Board of Trustees  
Regular Meeting Minutes  
June 5, 2017

Approved: **JULY 5, 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: 18+

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

**APPROVAL OF CONSENT AGENDA**

Approval of Special Meeting Minutes of April 20, 2017  
Approval of Regular Meeting Minutes of May 3, 2017  
Approval of Disbursements  
Building Department Report for April 2017  
Fire Report April 2017  
Zoning Report May 2017

Supervisor Dolan explained the Giffels Webster billing was removed from last month's consent agenda and Giffels Webster has decided to remove all of their bills for the expansion until the expansion is finished. The two invoices that were just put out are for the SAW grant.

Trustee Blades added two minor changes to the minutes.

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

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

**MOTION APPROVED**

## **ANNOUNCEMENTS AND COMMUNICATIONS**

Trustee Hicks reported 49 years ago today, Senator Kennedy was assassinated. He also commented on the Lyon Magazine.

## **CALL TO THE PUBLIC – None**

## **REPORTS**

**DDA** – None

**Fire Chief** – Chief Van Sparrentak reported the open house was very successful. They did move Rescue 2 to station 2 to be more centrally located. They are selling the old rescue unless he is directed otherwise.

**Sheriff** – Lieutenant Venus reported they are starting to get busier and the deputies have been busy as well doing presentations with the Scouts and the preschools. The horses were also at the Kite Festival this past weekend.

**Planning Commission** – Treasurer Carcone brought the Board up to date regarding the last Planning Commission meeting.

**ZBA** – Trustee Blades gave an update regarding the last ZBA meeting.

**Park Advisory Board** – Trustee Hicks brought the Board up to date regarding the last meeting.

## **APPROVAL OF AGENDA**

**Motion by O’Neil, second by Carcone  
To approve the agenda as presented.**

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

## **MOTION APPROVED**

## **UNFINISHED BUSINESS**

### **A. Crystal Creek South Elkow Farms Planned Development Amendment; AP-14-20 Second Reading**

Mr. Doozan reviewed the McKenna Associates memo dated March 17, 2017 and explained the Planning Commission approved the final planned development for Crystal Creek South and the Second Amendment to the Planned Development Agreement for the Elkow Farms Planned Development to the Township Board at their March 13 meeting. The approval was 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.

Mr. Windingland, Lombardo Homes, offered to answer any questions and explained they have not changed their mind regarding the sidewalk contribution. Trustee Enlow stated that this was a sticking point with him. Trustee O’Neil explained this project was

approved years ago without the sidewalk contribution and he would like to have it but he understood the situation.

**Motion by Hicks, second by Carcone  
Move to approve second reading AP-14-20 Crystal Creek South Second  
Amendment to the Elkow Farms Planned Development final Zoning Map  
Amendment No.183-17.**

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

**MOTION APPROVED**

Mr. Windingland commented that he is very pleased working with Mr. Doozan and Ms. Zawada.

**B. Zoning Ordinance and Subdivisions Amendments; AP-17-05 Second Reading**

Mr. Doozan referenced the McKenna Associates memo dated April 11, 2017.

**Motion by O'Neil, second by Hicks  
To move the adoption of Ordinance 03-17 amendment to Charter Township  
of Lyon Code of Ordinances Chapter 48.**

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

**MOTION APPROVED**

**Motion by O'Neil, second by Hicks  
To move adoption of 02-17 ordinance amendment to Charter Township of  
Lyon Code of Ordinances Chapter 22.**

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

**MOTION APPROVED**

**NEW BUSINESS**

**A. Hutto Family LLC – Proposed Rezoning from I-1 to R-0.3; AP-17-03**

Mr. Doozan referenced the McKenna Associates memo dated March 28, 2017. He explained at the March 27 Planning Commission meeting a motion to recommend approval of the proposed rezoning was denied by the Planning Commission by a vote of 5-1.

Ms. Zawada reviewed the CES letter dated May 31, 2017. She explained the sanitary sewer system and water system design criteria for industrial zoned property and R-0.3 are the same so there is no impact on the Township's sanitary sewer system or water main system.

Mr. Hutto provided a PowerPoint presentation explaining the history of the parcel. He explained the limits of the property since it is triangular. The Planning Commission had a problem with the density of the plan. When the parallel plan was laid out it represented 41 lots, but that made an assumption that the inner roads would take up 10%, but should be 15%. 1.4 lots per acre with 41 lots. It provides for class B residential, the net figure is not the right figure but the gross figure should be used. It is appropriate and reasonable, removing a spot zoning situation in a residential district and replacing it with something that meets the Master Plan.

Mr. Elkow explained it is his plan, when Mr. Hutto was at the Planning Commission meeting level he did not have access to this plan. Mr. Elkow felt that this plan is accurate and correct. Trustee Hicks stated by the rules that are laid out they can't review a plan that the Planning Commission hasn't seen.

Mr. Hutto stated that they are not asking for a site plan approval. Ms. Elowsky stated they are considering a rezoning, but if they feel that the Planning Commission didn't have all the information they needed they can remand it to the Planning Commission.

Trustee O'Neil stated the point 3 doesn't match, straight land use which is what the Planning Commission had to consider and the consultants. If they can get to a yield to match the Master Plan, why hasn't Mr. Hutto come forward with a PD plan? He is not comfortable with this; they can't bind the applicant to a plan when the property is rezoned. He felt the applicant approached this the wrong way. He suggested the applicant go back and ask for a PD with a site plan. Mr. Elkow stated this is base line density so they know they conform to the ordinance.

Trustee Enlow explained the PD is not a viable option. If you look east and west the zoning is R-1.0. Mr. Hutto stated they can't forget about the high tension line, mobile home park and train tracks.

Trustee O'Neil stated it makes sense to do away with the industrial zoning, but he is not at a point it should be R-0.3, he agreed it's a difficult piece of property. It makes sense to be residential and less dense than R-0.3. Mr. Elkow stated Mr. Hutto's concern is the time it takes to go through a PD process. In order to get the 40 units it needs to be R-0.3 zoning. He questioned how they get the zoning of R-0.3. He cannot do an R-0.5 to get the number of units they need.

Mr. Doozan stated it is unfair to ask them to make a ruling based on what has been shown when there has been no evaluation done.

Supervisor Dolan explained this plan needs to go back and get approval from the Planning Commission and the planner.

Trustee O'Neil explained if this was to go back to the Planning Commission it's not with the direction that they did something wrong, they may not have had all the information. The Board is not expecting a different result, but they are sending the applicant back to give an opportunity to give the Planning Commission more information. Mr. Hutto stated that is crystal clear.

Trustee O'Neil stated it is unfair to send this back without an evaluation. It's not normal to do this at a rezoning. When it leaves here and if they are going to go for a review then it will have costs that are incurred. Mr. Hutto stated he is trying to get answers to what is acceptable. He explained no one showed up at the Planning Commission meeting. He tried to knock on neighbor's doors and he left flyers, he felt the Board should ask for public comment.

Trustee Blades stated it's important for the Planning Commission to look at what they do have and she also didn't think industrial was something they wanted. She is torn on a few items with this.

**Anita Marcott, 21881 Griswold**, She lives on 10.77 acres which is residential agricultural, moved here in 1992 to have a mini farm. Griswold is so heavily travelled now and there are accidents all the time. The traffic is horrific; the infrastructure is overwhelmed by development. She would welcome an RV park vs. 41 homes with kids that our schools can't handle and our roads can't handle. It took her 10 years to find property here and had she wanted to live in the City she would have, she moved here for the country atmosphere that had a more hometown feel but it really hasn't maintained that. She asked that they ask not to approve it as residential or if anything, have much large lots. To get out of her driveway is a hazard every day; the speed limit is 55 mph south of Nine Mile. It's not safe. There are many hazards along there. Deer Haven will connect and if so there will be additional traffic coming onto Griswold. The only way she received a notice was from neighbors. She never received a note from Mr. Hutto.

Trustee Enlow stated he was leaning towards the residential but not the most intense designation.

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

**To remand back to the Planning Commission AP-17-03 for consideration of further information that will be provided by the applicant. This was the request of the applicant and that the applicant understands the professional review of the plan is at his expense prior to going back to the Planning Commission.**

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

**Nays: None**

**MOTION APPROVED**

**B. Pathway in the Park Contract Award**

Ms. Zawada reviewed the June 1, 2017 CES memo. She explained since the bids are all over-budget and there is such a large spread in prices she recommended the Township reject all bids and return the bid bonds to the bidders. She would also like to make some minor changes to the plans to rebid this summer.

**Motion by O'Neil, second by Cash  
To reject all the bids and rebid at a later date.**

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

**MOTION APPROVED**

**C. Artesian of Pioneer Water Discussion**

Mr. Kidston explained they are moving forward and have some good indication as to what they want to propose to the DEQ and to the Township to cure their water needs. He saw no reason why they shouldn't end up with beautiful softened water. They've had meetings with the DEQ and he has met with consultants to confirm where the water towers could be located. There is nothing that has been finalized. The South Hill and Woodwind site is where they are looking. There is some consideration looking at producing all 10 MGD at the South Hill site and doing away with the Woodwind site, but there are a few things to consider yet.

He confirmed an aquifer test would be done before going to a 10 MGD.

He commented that the schools seemed open to locating the tower on their site. They have made great strides although nothing is set in stone yet but they are getting closer to getting it rolling.

He commented there are no plans to add fluoride to the water. It has reversed itself, about 15-20 years ago there was a strong drive to do that and they found they were doing more harm than good so it was an idea that went away.

He reported there is no arsenic in the water and they have very good quality water.

**D. Ball field Construction Agreement with South Lyon Junior League**

Trustee O'Neil explained he is on the Board for this organization and if the Township Board felt he should recuse himself he would. The Board did not see a conflict of interest.

Dean Whitcomb gave an overview of the project and a history of the South Lyon Junior League. He also introduced fellow volunteers that were in the audience.

Mr. Whitcomb explained there are several reasons to partner, good track record, their boundary is the South Lyon School System, and they bring significant funding to the table. They are proposing 2 ball fields that are fully fenced in. Fields are irrigated, black vinyl coated fencing, concrete in the dug outs, and all the nice amenities that go along with the fields.

They developed an agreement that was built and designed to give everyone protection in terms of having an eye on construction quality as well. He explained they don't expect any type of ownership; this is a donation at its core. Maintenance will be done by the Junior League which is usually a win for the Township. The funds are straight forward, the Junior League would remit the money to the Township and there would be checks and balances. He would assume the Chief may have a concern with parking, he would argue it's probably an issue now with Panthers. They are very flexible with their schedules when fire station training is going on. He did not see foul balls as an issue. There was discussion about the field alignment. They are proposing the donation of \$75,000 to be invested. The bids are coming in and they are looking at \$180,000 to \$185,000 for the two fields.

Mr. Whitcomb commented the fields are sized for a tournament, and it opens the door for that kind of activity now.

Trustee O'Neil commented this will touch many, many residents. Treasurer Carcone stated she is in support of amending the budget for this project.

Trustee Blades explained she is in support of the project and asked if security cameras are in the plan. Mr. Whitcomb stated not at this time, but that is something they will look for improvement on in the future.

Trustee Enlow questioned if there is any under drainage on the fields. Ms. Zawada stated no, there is no pipe proposed

Mr. Whitcomb confirmed there is no current contract with the Panthers for the use of a practice site.

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

**To enter into a ball field construction agreement with the South Lyon Junior League not to exceed \$185,000 for the construction of 2 ball fields in Atchison Park of which \$75,000 of the cost will be paid for by the South Lyon Junior League, and the \$60,000 difference in what's been budgeted**

will be transferred from the general fund to the park fund to cover the difference. Subject to the attorney's changes incorporated into the agreement by staff and consultants and not to exceed \$110,000 from the Township and \$75,000 from the league. Anything beyond \$185,000 will have to come back to the Board; on a daily basis the Supervisor can make decisions on disbursements.

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

**MOTION APPROVED**

**E. Resolution Approving the 2018-2020 Cooperative Agreement for the Community Development Block Grant (CDBG) Program**

Mr. Doozan referenced the McKenna Associates memo dated May 8, 2017. A resolution to approve the 2018-2020 Cooperative Agreement has been prepared for your convenience. It includes standard language for CDBG program rules and procedures, and recommended that the Township Board adopt the resolution as proposed.

**Motion by Cash, second by Hicks  
To approve Resolution 2017-09 approving the 2018-2020 Cooperative Agreement for the Community Development Block Grant Program.**

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

**MOTION APPROVED**

**F. Zoning Map Amendment – Wellhead Protection District; AP-17-12**

Mr. Doozan reviewed the McKenna Associates memo dated May 23, 2017. He explained the Wellhead Protection Overlay District is necessary for the protection of the public's water supply. Consequently, the Planning Commission unanimously approved a motion to recommend approval of this amendment to the Zoning Map to amend the Wellhead Protection Overlay District boundaries.

**Motion by Enlow, second by Blades  
To approve the Zoning Map Amendment for the Wellhead Protection District, AP-17-12 as presented.**

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



**Nays: None**

**MOTION APPROVED**

**G. Proposal to Update Sewer Master Plan**

Ms. Zawada explained the scope of the project. She explained the fee to provide the scope of services is based on their contract with the Township and are based on over

420 hours of labor. Master Plan Update is \$32,120.00 lump sum. She explained the only thing not evaluated is Tangle wood parcels since they are served by private wastewater treatment plants. She explained the plan was done in 1998 and has never been updated.

The Board felt with the growth in the area it is critical to have this looked at.

**Motion by Carcone, second by Enlow**

**To approve the scope of work for the update of the Sewer Master Plan as listed in the CES letter dated June 2, 2017 in the amount of \$32,120.00 lump sum.**

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

**MOTION APPROVED**

**H. Discussion about the Liaison to the Park Advisory Board**

Trustee Hicks suggested dividing up the liaison to 3 months per person per year and rotate it. Trustee Blades volunteered to do July, August and September rotation.

**I. Discussion on how Parallel Plans are reviewed**

Trustee Enlow explained he would like to discuss how they review parallel plans. His specific concerns are as follows:

- Making sure there are very similar wetland fills between the parallel plan and the PD plan.
- Making sure that parallel plans reflect the same utility usage as the PD plan.
- Making sure that the proposed housing product fits within the building envelopes as shown on the parallel plan and PD plan.
- Making sure they do an adequate job of the storm water between the two plans.

Ms. Zawada commented that she struggles because it's not written in the engineering

standards regarding the parallel plan.

Trustee Enlow commented that the goal is to have an accurate reflection of the plan. Trustee Blades also shared the same concerns and felt more structure should be added. Trustee O'Neil agreed with what's been said and wondered if they need to further specify the details and how far they should go to address it. Ms. Elowsky suggested ordinance language. Mr. Doozan stated he can draft some language.

Mr. Elkow commented in the past he developed under the mathematical formula, which does not penalize for a flag shaped parcel. Now this is making it impossible to do the Stoneleigh type developments. He can't even come close to that. He is going through his 10 Mile pieces and there is a difference between the mathematical formula and a parallel plan. Parallel plans will never be built and he didn't understand why they went away from the mathematical formula.

#### **J. Sidewalks along Pontiac Trail**

Mr. Doozan referred to his memo dated May 15, 2017. He questioned if the Township should continue the sidewalk to the east of the Elkow parcels. Doing so would result in a continuous half mile of sidewalk in this stretch of Pontiac Trail.

Mr. Elkow explained one of the neighbors was agreeable regarding the berm, there are trees that have grown there and they want to keep the screening. He suggested pulling the sidewalk forward to Pontiac Trail so they don't lose the berm and screening.

Ms. Zawada will do some investigating and come back to the Board later.

#### **K. Proposed revisions to the Bicycle Path and Sidewalk Ordinance**

Mr. Doozan reviewed the McKenna Associates memo dated May 22, 2017. He explained there are proposed revisions to the Bicycle Path and Sidewalk Ordinance, which are intended to address some of the gaps in the network along main roads in the Township.

There were concerns regarding the cost and who it would impact. Mr. Doozan felt it was a reasonable thing to consider and he will bring it back with additional information.

#### **L. History of Millage Rates and Taxes Collected**

Treasurer Carcone provided historical information regarding the Township Millage rates and tax dollars that have been collected for the various taxing authorities within the Township.

#### **M. DPW Discussion on Salary Range and Job Posting**

Supervisor Dolan thanked Trustee Enlow for condensing the description. Salary ranges were briefly discussed. Trustee Enlow volunteered to be on the interview committee.

**Motion by Enlow, second by Carcone**

**To authorize the Township Board to post for a DPW Director position with a salary range of \$55,000 - \$70,000 and form a sub-committee to sit in on the interviews.**

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

**MOTION APPROVED**

**ADJOURNMENT**

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

**To adjourn the regular Board of Trustees meeting at 10:36 p.m.**

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

**MOTION APPROVED**

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary

*Michele Cash*

Michele Cash  
Lyon Township Clerk