

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
April 2, 2018

Approved: **MAY 7, 2018**

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: 24

Also Present: Carol Rosati, Johnson Rosati Schultz & Joppich, P.C.
Brian Keeseey, McKenna Associates
Leslie Zawada, Civil Engineering Solutions, Inc.
Bob Martin, DPW Director

APPROVAL OF CONSENT AGENDA

Approval of Regular Meeting Minutes of March 5, 2018
Approval of Disbursements
Building Department Report for February 2018
Fire Report February 201
Zoning Report March 2018
Bill of Sale Sanitary Sewer from C.L.A.Y. Development Co. LLC. To Charter Township of Lyon located at Deer Haven Drive
Bill of Sale – Water Line from C.L.A.Y. Development Co. LLC. To Charter Township of Lyon located at Deer Haven Drive

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

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Jonathan Petito – He asked the Board’s permission to conduct his Eagle Scout Project at Rose Cemetery on 11 Mile Road in order to earn his Eagle Scout badge. He would like to clean up the brush, replace the evergreen bushes, cleaning up the pollution in and around the cemetery and installing a sign with the cemetery name. The Board agreed and Bob Martin will be the sign off for him.

Trustee Enlow reported the SEMCOG elections that were held and the Oakland County delegate will remain the same with Milford Supervisor Don Green, and the alternate is Chris Barnett, Orion Township Supervisor. The main theme of the meeting was the water resource plan to provide framework to protect lakes and streams. It is available on the website if anyone would like to read it.

Trustee Hicks reported on this day in 1902 the first full time movie theatre called the Electric Theatre opened in Los Angeles, CA.

CALL TO THE PUBLIC

Patrick Groleau, 60772 Shady Creek Drive – He is concerned with a rental property next door to him and how the homeowner is choosing to use the property. The neighbors have blight concerns. The neighbor is building a pole barn and has two 40’ shipping containers and he did not follow the Township procedures. This is something he sees everyday when he looks out his window. There is a collection of items that he is acquiring to sell on Craig’s List. He asked what is a reasonable amount for someone to sell out of their home. The concern is that when the barn is built the behavior will continue.

Tim Bearup, 27911 Woodstream Drive – He explained he lives about 400’ through the woods from this home and he corroborated Patrick’s statement. From his perspective all he sees is the containers and added traffic that comes through, it is unsightly and appears that the person is starting a salvage yard.

Geraldine Swiderski, 60860 Shady Creek Drive – She stated she came in person to this office and she was basically patted on the head. They’ve heard of this before.

Abraham Ayoub, 21962 North Lyon Trail – He reported the Easter Egg Hunt last weekend turned out very well. He questioned the mileage on the vehicles from the fire department. He felt the mileage didn’t jive. In his opinion those vehicles were driven for personal use. The Township does not have a policy on vehicles. It makes no sense for any Township vehicle to leave the area. He felt that should be looked into. He is concerned about the Chief not going to fires without the Deputy Chief calling him. He felt the fire fighters should be paid the money that they are worth.

Tim Davids, 25801 Belladonna – He requested full enforcement of the Hoskins Landscaping and Petty Trucking business. There are on-going issues with the employees of Hoskins landscaping speeding down Belladonna. He understood that the Sheriff's office has no enforcement authority on a private road. Having a gravel train going down the private gravel road is not ideal. He is asking for the Board to consider clear enforcement that the Supreme Court had stated needs to take place.

REPORTS

DDA – None

Fire Chief – Chief Van Sparrentak started a 3-month scheduling and it seems to be working out well. The following fire fighters Jon Soave & James Tiernan were promoted to Sergeant. Regarding shifts, there is already a proposal that addresses the shifting of the night shift and pay rate which he will cover at next months meeting.

Sheriff – Lieutenant Venus reported the feedback has been positive with the new police officer at South Lyon High School. The Easter Egg Hunt was a success.

Planning Commission – Treasurer Carcone provided an update regarding the Planning Commission meetings in March.

ZBA – None, there was no meeting.

Park Advisory Board – Clerk Cash brought the Board up to date regarding the last Park Advisory Board meeting.

DPW – Mr. Martin reported the ring road lights will be replaced. The Rice Street sidewalks will be taken care of. He hopes to have the park open in the next few weeks.

Planning – Mr. Keesey brought the Board up to date regarding planning issues.

APPROVAL OF AGENDA

Supervisor Dolan removed item C under New Business as the applicant's request.

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

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

MOTION APPROVED

UNFINISHED BUSINESS

A. Artesian of Pioneer Water Discussion

Mr. Martin provided a brief update on the water project.

B. Consideration of the adoption of an Amendatory Ordinance for the Charter Township of Lyon to Amend Adoption of 2015 International Fire Code; Ordinance No. 02-18

Motion by Hicks second by Carcone

To adopt Charter Township of Lyon Ordinance No. 02-18 an Ordinance to amend the Charter Township of Lyon Code of Ordinances, Chapter 20. Fire Prevention and Protection Article II. Fire Prevention Code in Order to adopt the International Fire Code, 2015 Edition, as the Fire Prevention Code of the Township and to include the necessary additions, insertions and changes to the Fire Prevention Code necessitated by the Adoption.

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

MOTION APPROVED

NEW BUSINESS

A. Consideration of the Introduction of an Ordinance for the Charter Township of Lyon to amend Oak Ridge Planned Development – Final Review; AP-17-10

Mr. Keeseey reviewed the McKenna memo dated March 29, 2018. He explained at the Planning Commission meeting on February 26, 2018, the Planning Commission recommended approval of the final plan for the Oak Ridge PD to the Township Board, subject to the conditions of the McKenna review letter of February 23, 2018, which are as follows:

1. Although the proposed wetland fill areas are shown on Sheets 3 and 4, they must also be shown on Sheet 2.
2. Extension of the sidewalk to include Lot 11, including a crosswalk.
3. Masonry wall and fencing must be provided as stated in this letter.
4. Proposed timeline of development construction on all phases must be provided.
5. The evergreen trees along the east side of the site must be increased to 16'-20'.
6. The landscape plan discrepancies noted earlier in this letter must be adequately addressed.
7. The path on the plans must include the specifications and material (crushed limestone).
8. Satisfactory completion and agreement on the Planned Development Agreement.

Ms. Rosati explained there were some issues that were resolved today regarding the PD agreement. She recommended they move forward.

Mr. Botham confirmed they will do 16-20' trees on the east and west side.

Trustee Enlow explained he is still concerned that there are 17 lots that would have deed restrictions for decks or pools. Mr. Keast stated that most of the lots would allow for decks but not pools. If someone is looking to build a pool, there are plenty of lots that could accommodate a pool. There would be full disclosure when they are selling the lots that these lots will have a restriction, so the buyer would be fully notified. Trustee Enlow stated that is the concern, he questioned why the development wasn't spread out more since they are offering 50% open space. Mr. Keast stated the property is unique with the drain, and the restriction on cul de sac length, for them to go further into the open space they would have to put in another crossing over the drain which would impact natural resources. Trustee Enlow stated that you could abide by the setbacks to resolve the issue.

Trustee Enlow did not agree with the access gravel drive being gravel, he felt it will turn into a dust bowl. He felt it should be a concrete access drive. Mr. Keast stated they did discuss it and the grass pavers were closer to the homes. He did not think the dust would impact the residents because most of the dust area would be in the woods and the trees. Trustee Enlow disagreed, is it an extremely poor design to have a sludge hauling road be gravel when the current route is concrete and those roads are in poor condition. He would like to see a hard surface pathway and not aggregate. Mr. Keast stated that the HOA has to maintain it no matter the surface. In the overall design process they wanted to leave it gravel and leave it natural. Trustee Enlow stated that this will be a future maintenance issue for the homeowners.

Trustee Enlow stated that the applicant is required to provide a community benefit; he is at a loss as to what that is. Mr. Keast stated one of the benefits is widening 10 Mile Road to 3 lanes, Trustee Enlow stated that was a requirement from the Road Commission. Mr. Keast stated the benefits were outlined and accepted at preliminary. There was also the potential for a water tower easement which turned out it wasn't needed, but the tradeoff was judged at the time to be sufficient.

Trustee Blades stated she would like to point out there were several emails from residents, and all of them have mirrored concerns from some Board members and concerns about community benefits. They have been bringing up these items consistently, and residents have been asking for more community benefits. She did not feel there was enough community benefit for the residents. She is not sure why there is no connection to Valley Wood Drive. It seems like a logical connection since there is an elementary school right next to the development. They don't have any way to have kids walk to Hardy Elementary. She still has problems with the parallel plan and the inadequacies. She agrees that the gravel road will create dust. She is concerned with the lots not being able to handle decks or pools. The overall layout could have been improved with taking lots out.

Supervisor Dolan commented on the sludge haulers that come through Woodwind, he hears from the residents all of the time. He felt the access road will be a huge

community benefit as well as the 3rd lane on 10 Mile Road. The project fits the density and there are community benefits that they agreed to that are above and beyond what the needed to do because they meet the density and they are saving a lot of trees.

Trustee Blades clarified she is not one for connections but her point is there is not even a walkway to walk children to Hardy Elementary. She does not want them to connect to Woodwind but she would like to see a walking path connection that will allow families to do that.

Treasurer Carcone explained they had a very long discussion about the utility road. The Planning Commission didn't want a paved road because they don't want people going down there and using that road. It's all woods there once they pass the few houses. The Planning Commission was happy with it. She has spoken to the Planning Commission about the lengths of the cul de sacs; 660' causes a lot of hardship for the developers and the Township. This would have been a prime example if they were able to make the cul de sacs longer. She agreed with Supervisor Dolan that this development met the density and she is very happy with it. She reminded Mr. Botham on the Woodwind side and the east side, those trees are handpicked by the residents where they want them planted, Mr. Botham agreed.

**Motion by Carcone, second Hicks
To approve first reading Oak Ridge PD final plan review as submitted.**

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

MOTION APPROVED

B. Consideration of the Introduction of an Ordinance for the Charter Township of Lyon to amend Campgrounds – Text Amendment; AP-17-38 (reconsideration)

Mr. Keesey reviewed the McKenna memo dated March 27, 2018. Some of the definitions were updated and this will be a special land use.

Clerk Cash questioned if the existing campground wanted to upgrade they would need to go through this new process moving forward. Mr. Keesey stated that is correct.

Trustee Enlow stated he preferred paved roads.

**Motion by Carcone, second by Cash
To approve AP-17-38 first reading of proposed zoning ordinance text amendments for campground regulations as presented.**

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

MOTION APPROVED

C. Consideration of the Introduction of an Ordinance for the Charter Township of Lyon to amend Aspen Trails PD; AP-17-40 (formerly known as Aspen Gate PD) – Preliminary Review – REMOVED FROM AGENDA AT APPLICANT’S REQUEST

D. 11 Mile Park Conceptual Layout for Consideration

Ms. Zawada provided a power point presentation giving a conceptual layout of the park. The changes included a larger baseball field at the north end of the property, a fence near the active gas wells, relocation of pavilion, elimination of the east/west field and the addition of an Amphitheatre. A Milford Road access is feasible and CES prepared a detailed cost estimate, based on discussion with the Road Commission Oakland County, which would add approximately \$150,000 to the cost of developing the park. Based on that information the Friends of the Park preferred to keep the entrance at 11 Mile.

Treasurer Carcone reviewed some of their ideas and that they really wanted to keep some of the space open for future development that might be more attractive for seniors and it would add more activities for a well-rounded park.

Trustee Enlow questioned if there would be site lighting or just closed at dusk. Ms. Zawada stated it would not be lighted initially.

Trustee Blades asked if a small skateboard park could be added. She questioned what kind of security would be provided as far as security cameras and she questioned if bleachers would be on site. Treasurer Carcone stated they didn’t recommend bleachers. Ms. Zawada explained there is an access road that the Township can use for fire or police. How maintenance vehicles would be used on the site was briefly discussed.

Troy Powe, 29962 Shefpo St. – He felt the size of the restrooms would need to be increased given the Amphitheatre. He suggested Bocce ball, shuffleboard and other senior type activities be added.

Tim Davids, 25801 Belladonna He felt this is a great conceptual plan. He felt the bathrooms and amphitheater should be located as far away from the road as possible due to road noise. He also suggested having a food truck staging area.

Chris Schaecher, 59878 Mulberry Circle – He suggested a passing lane on Milford Road. He uses Volunteer Park and he questioned if there would be enough parking for the needs of this park. He felt trying to accommodate all age groups is a good idea.

The Board directed Ms. Zawada to hold a large joint public meeting to review the park.

E. Consideration for the Introduction of an Ordinance for the Charter Township of Lyon to amend Zoning Ordinance No. 190-18, Revisions – Text Amendment; AP-18-03

Mr. Keesey reviewed the McKenna memo dated March 26, 2018. He explained the Planning Commission held a public hearing at its meeting on March 12, 2018. There were no public comments. After discussing the proposed amendment, the Planning Commission unanimously adopted a motion to recommend approval of the proposed amendments to the Township Board.

**Motion by Enlow, second by Blades
To approve the first reading of Zoning Ordinance No.190-18.**

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

MOTION APPROVED

F. Consideration for the Introduction of an Ordinance for the Charter Township of Lyon to Remove Reference to the “Towne Center Overlay District and to Remove Reference to the R-2.5 District, Ordinance No. 03-18.

**Motion by Enlow, second by Blades
To approve the first reading of Zoning Ordinance No. 03-18 as presented.**

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

MOTION APPROVED

G. Consideration for the Introduction of an Ordinance for the Charter Township of Lyon to amend the Code of Ordinance, Chapter 1, General Provisions Section 1-11.

Ms. Rosati explained the amendment.

**Motion by Enlow, second by Cash
To amend the Code of Ordinance, Chapter 1, General Provisions Section 1-11 General Penalty Ordinance No. 04-18 as presented.**

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

- H. Consideration for the Introduction of an Ordinance for the Charter Township of Lyon to amend Childcare Centers and Group Daycare Homes – Text Amendments - AP-18-07; Zoning Ordinance No. 191-18**

Mr. Keesey reviewed the McKenna memo dated March 26, 2018.

**Motion by Blades, second by Hicks
To amend Childcare Centers and Day Care Homes – Text Amendments,
AP-18-07, Zoning Ordinance No. 191-18**

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

MOTION APPROVED

- J. Consideration for the introduction of an Ordinance for the Charter Township of Lyon to amend Mini-Warehouses – Text Amendment AP-18-08 – Zoning Ordinance No. 192-18**

Mr. Keesey explained this amendment defines the minimum pitch for a roof for a storage facility building. The Planning Commission discussed slopes and settled on 4:12 slope.

**Motion by Enlow, second by Carcone
To approve the first reading to amend Mini-Warehouses text amendment -
AP-18-08; Zoning Ordinance No. 192-18.**

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

MOTION APPROVED

- K. Fire Station 2 Concrete Rehab & Parking Lot Addition - Recommendation for Contract Award**

Ms. Zawada reviewed the CES memo dated March 28, 2018. She explained the bids were opened and there were eleven bids submitted. The low bidder was submitted by

GM and Sons, Inc. There is a 62,000 difference between concrete and asphalt.

Supervisor Dolan explained they missed this during the budget and suggested areas in the budget that the funds could come from. He is concerned about the asphalt with the fire truck weight and felt it should be concrete. The Board agreed it should be done in concrete. Ms. Zawada also explained lighting is not proposed at this time but she could get pricing for conduit.

Motion by Enlow, second by Carcone

To award the contract to GM and Sons for the Fire Station 2 Concrete Rehab & Parking Lot Addition for \$335,012.50 from the General Fund.

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

MOTION APPROVED

CLOSED SESSION

The regular Board of Trustees meeting adjourned into closed session at 9:21 p.m. due to no further regular business.

Motion by Blades, second by Cash

Consideration of entering into a closed session pursuant to MCL 15.268(e) to discuss the pending litigation of Emsley v Charter Township of Lyon, Court of Appeals No. 337123, where an open meeting would have a detrimental effect on the legal or settlement position of the Township.

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

MOTION APPROVED

ADJOURNMENT

Motion by Carcone, second by Blades

To adjourn the regular Board of Trustees meeting at 9:48 p.m.

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

MOTION APPROVED

The regular Board of Trustees meeting adjourned at 9:48 p.m. due to no further regular business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash

Michele Cash
Lyon Township Clerk