

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
May 7, 2018

Approved: **JUNE 4, 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
Sean O'Neil

Absent: Patricia Carcone

Guests: 38

Also Present: Tina Archer, DDA
Bob Martin, DPW
Patrick Sloan, McKenna Associates
Lisa Anderson, Township Attorney
Leslie Zawada, Civil Engineering Solutions, Inc.

APPROVAL OF CONSENT AGENDA

Approval of Regular Meeting Minutes of April 2, 2018
Approval of Disbursements
Building Department Report for March 2018
Fire Report March 2018
Zoning Report April 2018
Riverwood Estates Phase 3 Bill of Sale for Water Main & Sanitary Sewer
Mental Health Awareness Month – May 2018

Trustee Enlow pulled off the Riverwood Estates bill of sale and the Zoning Report for discussion.

**Motion by Cash, second by Enlow
To approve the consent agenda as amended with Riverwood Estates and
the Zoning Report removed for discussion.**

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Clerk Cash announced the Daughters of the American Revolution will be holding a rededication ceremony on May 20, 2018 in the New Hudson Cemetery. There will be an election on August 7 and if anyone wants to register to vote the last day to register is July 9, 2018.

Trustee Hicks reported he attended the Regional Transportation Authority meeting and explained they are looking for 1.5 mills from the 4 county areas. More information can be found at www.rtamichigan.org. He also reported Edison is offering a tree planting effort; they will match up to every dollar up to \$3,000. He wondered if the Board would want to think about planting trees on Pontiac Trail. He also reminded everyone that the 10th annual Kite Festival will be held on June 1, 2, and 3rd.

Supervisor Dolan thanked all of the township volunteers. Mr. Allen cleans the sides of Milford Road and he puts his own time and effort into doing it. Sparks Plug Car Club and Continental Aluminum volunteered to help Mr. Allen this year. Supervisor Dolan expressed his appreciation for all of the Township volunteers.

CALL TO THE PUBLIC

Erik Stubenvoll, 52651 Aspen Drive - He is concerned about approvals in Lyon Ridge. Tonight marks 9 months since he spoke at the review, he is concerned with the completion of their properties and that there has been no timeline for completion. Their yards were not graded correctly, there has been major flooding. Ms. Zawada had visited their homes and expressed the need for Healy Homes to fix the issue. Healy Homes sold all of their lots as premium wooded lots up against property that could never be developed and now they are proposing trees on the perimeter lots. The timeline pushes them to 2019 for the development of Hidden Forest.

This is not an issue specific to Lyon Ridge with these builders. Residents from multiple developments have come in with concerns from Healy Homes. He explained Trustee Enlow came out and walked his property. As elected officials he is increasingly disheartened and felt that they are more concerned with approving special land use developments than they are concerned with the constituents that seated them here. It's time for the developers to finish what they started before moving forward. A resolution for their issues should be separated from the future development and the property to their south. This resolution should be provided to them in writing including the processes that will need to be followed to have all the fixes finalized. He began raising his issues in 2016 and there is still not a resolution.

Patrick Groleau, 60772 Shady Creek Drive - He was here last month to discuss the acquisition of land, he discussed the blight the neighborhood is experiencing. He knows citations have been given for 2, but there are 24 more violations. His lawyer has been in contact with the Township Attorney. He is preparing to do a story with WDIV next Tuesday. He has taken photos of every single residence on the street, none of the neighbors have 7 different types of trailers on their property, and 15 55 gallon drums which ding, bang and pop. There is a 100,000 watt generator parked in the woods. He questioned what is a reasonable level of blight? This has all shown up in the last 8 months. He asked for feedback from the Township and to let them know things are being worked on.

Cindy Thompson, 26727 Wilton Court - She is the President of The Mills of Crystal Creek Condos. They finished their building and now they are starting to turn things around. Their road is private and the reserve study indicated they will need about \$300K to replace their road within the next 10 years. That is alarming for all of them. They have signs up that say their road is private but it does nothing. She is here to ask what their options are for stopping the public from using their private road. Their taxes are not prorated. There was a gate at one point but that was removed. What can they do, can they re-gate the community and she asked what kind of support they can get from the Township.

Julie Foley, 59701 Sun Ridge - She commented on the burned down residence, it's been about 3 years. How long will it exist there. Supervisor Dolan explained they have been working on that also. Mr. Martin explained it's hard to get a response from the people handling it, he understands because he drives by it every day as well. Trustee Blades explained people are now dumping things on that property. Ms. Foley also added the Cambridge of Lyon, she hoped when the Board votes tonight that all the recommendations are considered the way they are written.

REPORTS

DDA – Ms. Archer provided status updates regarding business in the DDA.

Fire Chief – Chief Van Sparrentak reported the Fire Prevention Open House will be held from noon to 3 p.m. on Saturday. He introduced a few new employees in the Department and announced promotions for James Tiernan and Jon Soave.

Sheriff – Lieutenant Venus reported they were able to get the Gator out on the trail. There was a breaking and entering this weekend.

Planning Commission – None

ZBA – No meeting held

Park Advisory Board – Robert Swain explained they have a pending discussion with the Junior League about refurbishing some of the old fields and restructuring their bylaws.

DPW – Mr. Martin reported they are working very hard on the waste water side. The generator is now in place on the Spaulding location. New lights on the ring road will be installed.

Planning - None

APPROVAL OF AGENDA

Motion by Blades, second by Hicks

To approve the agenda as amended with the additions of 11 a and b.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

UNFINISHED BUSINESS

A. Artesian of Pioneer Water Discussion

Mr. Kidston reported the tower construction is underway at 9 Mile and Griswold. That work will continue. The base has to cure out and underground piping will need to be done. About Memorial Day the tower will start to go in the air. Woodwind water treatment plant is permitted now through DEQ. They are approved to recycle the backwash water. The South Hill well is still not approved. The second water tower is the least thing they have been concentrating on.

Trustee Enlow stated the softening was the biggest press for him. Mr. Kidston felt that they would get there with regard to the discharge from the softening.

B. Consideration of the adoption of an Ordinance for the Charter Township of Lyon to Amend Campgrounds Zoning Ordinance No. 193-18 – Text Amendment; AP-17-38 (Reconsideration)

Motion by Cash, second by Hicks

To adopt an ordinance for the Charter Township of Lyon to amend the Campgrounds Zoning Ordinance No. 193-18.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

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

Motion by O’Neil, second by Cash

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

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

D. Consideration of the Adoption of an Ordinance for the Charter Township of Lyon to Remove Reference to the “Town Center Overlay District & to Remove Reference to the R-2.5 District”; Ordinance No. 03-18.

Motion by O’Neil, second by Cash

To adopt an Ordinance for the Charter Township of Lyon to Remove Reference to the “Town Center Overlay District & to Remove Reference to the R-2.5 District”; Ordinance No. 03-18.

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

MOTION APPROVED

- E. Consideration of the Adoption of Ordinance for the Charter Township of Lyon to Amend the Code of Ordinance Chapter 1, General Provisions Section 1-11, General Penalty; Continuing Violations; Ordinance No. 04-18**

Motion by Enlow, second by O'Neil

To adopt an ordinance for the Charter Township of Lyon to amend the Code of Ordinance Chapter 1, General Provisions Section 1-11, General Penalty; continuing violations; Ordinance No. 04-18.

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

MOTION APPROVED

- F. Consideration of the Adoption of an Ordinance for the Charter Township of Lyon to Amend Child Care Centers & Group Daycare Homes – Text Amendments; AP-18-07; Zoning Ordinance No. 191-18**

Motion by Hicks, second by Enlow

To adopt an ordinance for the Charter Township of Lyon to amend Childcare Centers and Group Daycare Homes - Text amendments AP-18-08, Zoning Ordinance No. 191-18.

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

MOTION APPROVED

- G. Consideration of the Adoption of an Ordinance for the Charter Township of Lyon to Amend Mini-Warehouses – Text Amendment; AP-18-08; Zoning Ordinance No. 192-18**

**Motion by Cash, second by Hicks
To adopt an Ordinance for the Charter Township of Lyon to Amend
Mini-Warehouses, Text amendment, AP-18-08 Zoning Ordinance No. 192-18.**

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

MOTION APPROVED

NEW BUSINESS

A. SLARA and MatCats – Special Land Use; AP-18-14b

Mr. Sloan reviewed the May 1, 2018 McKenna memo and explained they anticipate the proposed office and recreational uses to be less impactful than if an industrial occupant were to move into the facility. The proposed uses are supported by the Master Plan Future Land Use Map and should provide desired amenities for the community. Therefore, they find it appropriate for the Township Board to approve the proposed Special Land Uses, subject to the conditions of site plan approval.

**Motion by O’Neil, second by Blades
To approve the SLARA and MatCats - Special Land Use; AP-18-14b subject
to the conditions of the Planning Commission of April 9, 2018 and in
reference to the May 1, 2018 McKenna memo.**

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

MOTION APPROVED

**B. Consideration of the Introduction of an Ordinance for the Charter Township
of Lyon to Amend Wine Making and Distillers Regulations – Text
Amendment; AP-18-01; Zoning Ordinance No. 195-18**

Mr. Sloan reviewed the May 1, 2018 McKenna memo and explained the Planning Commission held a public hearing at its meeting on February 26, 2018. There were no comments from the public. During its deliberations, the Planning Commission raised several questions regarding the wastewater disposal review, parking requirements,

hours of operation, and specifics on accessory commercial uses. As a result, action on the proposed amendments was deferred to allow revisions to address these items. At the March 26, 2018 meeting, the Planning Commission reviewed the revised amendments and unanimously adopted a motion to recommend approval of the proposed amendments to the Township Board.

**Motion by Cash, second by Hicks
To move the Wine Making and Distillers Regulations to second reading.**

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

MOTION APPROVED

C. Cambridge of Lyon Rezoning; AP-18-04

Mr. Sloan reviewed the May 1, 2018 McKenna memo and explained the request be denied based on the following points:

1. The proposed rezoning would not further the comprehensive goals of the Township because it would permit development at a density far greater than specified on the Future Land Use Map. The most recent amendment to the Master Plan, which was adopted in December 2015, examined the subject parcel in Study Area 5, and concluded that the Future Land Use classification of this parcel is Single Family Residential A, which corresponds to R-1.0 zoning, with and without utilities.
2. The rezoning of the subject parcel to RM-2 would significantly increase the likelihood that a permitted use in the RM-2 district would be incompatible with the adjacent lots.
3. The approximate density of 218 multiple-family residential units in the proposed RM-2 district far exceeds the sewer capacity of 35 REUs assigned to the site, per the West Grand River Sanitary Special Assessment District.
4. Conditions have not changed that would justify rezoning the subject parcel to RM-2. Recent amendments to the Future Land Use map of the Master Plan and the Zoning Ordinance (i.e., Mixed Use District and New Hudson Zoning District) recognizes the need for additional high-density residential and mixed-use development and encourages this development in and around New Hudson.
5. The proposed amendment to RM-2 would grant special privileges by allowing a higher density than would otherwise be permitted in the Master Plan's Single Family Residential a future land use classification for the site (up to 1.25

units/acre, which corresponds to R-1.0 zoning, with and without utilities). Charter Township of Lyon Board of Trustees - Cambridge of Lyon RZ 8 May 1, 2018

6. Given that the site is located approximately 1,300 feet (approximately ¼ mile) south of the travel lanes of I-96, there is no evidence to suggest that the noise from I-96 will be prohibitive to single-family residential use. On the contrary, there are many single-family homes in Lyon Township that are located closer to I-96 than the subject property and were built after the construction of I-96. The same can be stated for many other communities along I-96 that have single-family homes located within ¼ mile of the freeway.
7. The existing R-1.0 zoning classification provides for reasonable use of the property for single-family residential purposes
8. The rezoning will not result in the exclusion of any uses that the Township can reasonably accommodate on other appropriately-zoned land.
9. The rezoning of the subject parcel to RM-2 would establish an inappropriate precedent because the subject parcel is one of many parcels in the area zoned R-1.0 and planned for Single Family Residential A on the Future Land Use Map.
10. The proposed RM-2 zoning of the subject parcel is inconsistent with the zoning classification of the surrounding land.
11. The proposed RM-2 zoning is inconsistent with the trends in land development in the general vicinity. Recommendation Based upon the above findings and the Planning Commission's recommendation on March 12, 2018, we recommend that the Township Board of Trustees deny the rezoning proposed by Cambridge of Lyon, LLC, from R-1.0, Residential-Agricultural District, to RM-2, Multiple Family Residential District (Case No. AP-18-04).

Representing applicant: Carmine Avantini
Robert Carson

Mr. Carson explained what is missing from the Planners analysis is the realistic appraisal of the site and its location. The school site is a misnomer, it may technically be zoned R1A but it will never be used for that. The downplaying of the manufactured home community is not fair to the site. The site is heavily impacted by wetlands and is a very difficult site to develop. It cannot be developed in a financially respectful way. If they were to try and develop it cannot be developed. It is adjacent to an intersection which makes it peculiar. This site was zoned in 1991 to think there have not been changes; no school was there at this point in time. He wasn't here for the Master Plan, it is a goal it's not something that determines the use of the site. If they deny the circumstances within the site, the wetlands, and the uses that surround the site, then you deny the reality of the consideration. The Township had the opportunity in the past to accept a 54 unit development and it was turned down. Finally, the REU's were allocated, it's not capacity, and there is capacity. What was allocated was the number of REU's. More than 35 REU's will be used on the site and would not be covered by the

SAD. The only issue that might come up is whether there would need to be an augmentation to a pump station and that would be their problem if it did arise. They have gone through each criteria and the 11 findings and they come to different conclusions. Maintain the health safety and welfare, it is not to prevent the adequate uses of the site or properly discharge.

Trustee O'Neil confirmed that Mr. Avantini is still the Planning Consultant with the City of South Lyon. He felt that was important to disclose and that there are possibly crossover issues. Mr. Avantini explained he did talk to the City Manager and felt it was far enough away from City that there wouldn't be a conflict.

A single family plan was requested previously and it was denied. The Turtle Creek PUD project was proposed and claimed to be inconsistent with the Master Plan. They will support this is a unique site in terms of location, surrounding land uses, development feasibility. Large lots are not feasible. The current zoning does not allow for reasonable use of the property and the planners failed to hold this point. It should be noted, this is an isolated site, and the wetlands provide a natural buffer. They will get added noise and sound levels being located by a highway interchange. The sewer capacity is not an issue for denial, it's possible to provide sewer to the site and Mr. Guidobono has agreed to do that.

Motion by Blades, second by O'Neil

To deny rezoning of AP-18-04 Cambridge of Lyon, LLC referencing the McKenna memo of May 1, 2018 as well as the Planning Commission's unanimous request to deny this request for the same reasons.

Trustee Blades commented the current zoning is a reasonable use of their land. The abutting land is rural in nature and is probably the most rural in nature out of the South Lyon School District and Island Lake surrounds the campus of the school. Once the buses have left, it's a pretty vacant area, there is no sidewalk that leads to the school and it is not accessible. It is not a high intense use that the applicant has painted a picture of. She commented this is all information that was available before the purchase of this property. The realities of the site were not taken into consideration by the applicant.

Trustee Hicks explained 35 REU's were assigned and there is a capacity that they can't exceed without major modifications.

Trustee Enlow commented the Lyon Township Master Plan Amendment was cited and they did look at the northwest corner of the township and they came to the conclusion to keep it as it is.

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

MOTION APPROVED

D. Request to Grant Permit for Fireworks Display to Walnut Creek Country Club

Supervisor Dolan explained these permits are requested every year.

**Motion by O'Neil, second by Cash
To grant the permit for Fireworks Display to Walnut Creek Country Club.**

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

MOTION APPROVED

E. Request to Grant Permit for Fireworks Display to Michigan Fireworks at Cattails Golf Course

**Motion by O'Neil, second by Cash
To grant the permit for Fireworks Display to Michigan Fireworks at Cattails Golf Course.**

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

MOTION APPROVED

F. Fire Department Pay Increase Proposal – Night Shift Firefighters

Trustee Blades disclosed her husband works for the fire department and wondered if that is a conflict. The Board did not feel it was a conflict.

Chief Van Sparrentak reviewed the request to increase pay for the night shift firefighter and felt this would resolve some of their issues with staffing.

The Board was in great support of the pay increase.

Motion by Blades, second by Hicks

To approve the Fire Department pay increase proposal for the night shift Firefighters as presented from the letter dated April 4, 2018.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

G. Request to Purchase Fire Hose for New Engine 1

Chief Van Sparrentak reviewed the request to purchase the fire hose for Engine 1 at a cost of \$14,650.00

Motion by Cash, second by Enlow

To approve the purchase of the hose for \$14,650.00 taken out of the Fire Equipment budget 977.001.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

H. Approval to Purchase Carpet Replacement – Station One

Chief Van Sparrentak explained he is seeking the approval of \$10,000 to get the repairs they need.

Motion by O'Neil, second by Cash

To approve up to \$10,000 to purchase flooring for Station One subject to internal review by the Supervisor, Clerk and Treasurer and subject to whatever vendor is chosen who will have zero violations.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

I. Consideration of the Park Advisory Board Recommendation to update the Parks and Recreation Master Plan as outlined in McKenna's letter proposed for an amount not to exceed \$9,000.00

Trustee O'Neil explained they have approved a job description for a new planner and that includes items like this. He suggested tabling this until they hire a Planning Director. He felt a full time person should be involved in the scope of this and have the opportunity to reduce the cost of this.

Supervisor Dolan explained there is a grant involved. Trustee O'Neil stated the due date is not until April 2019 so they have 11 months to hire someone and get this to move forward.

**Motion by O'Neil, second by Blades
To table until the June Board meeting or until a decision has been made with regards to the Planning Director.**

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

MOTION APPROVED

J. Pathway in the Park Bid Results and Potential Contract Award

Ms. Zawada explained a bid package was done and it had been bid twice in 2017. The base bid was the construction of the path that is not existing. The alternate bid included that as well as the northwest section. Two bids were received. LJ Construction was the lower base bid for \$176,383. The alternate bid was \$357,604. The last time the base bid was about \$22,000 higher. She did not know if this was carried over into the budget for 2018.

Mr. Swain stated he would like to see a definitive answer, do they complete the circle or are they not going to do it and move on?

Trustee O'Neil stated they should prioritize the money where it will gain the most use. He confirmed the pathway is not on a portion of the park where it will sink.

Motion by Blades, second by Cash

To approve the lowest bidder LJ Construction in the amount of \$176,383.00 for the base bid conditional on receiving Republics approval.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

K. Personnel Policies & Procedures Manual

Supervisor Dolan explained there are a few tweaks that need to be made and the manual will be provided to the Board members as soon as it's completed.

L (a) Riverwood Bill of Sale

Trustee Enlow explained the forms needed to be modified. Ms. Zawada stated she would update the forms.

Motion by Enlow, second by Cash

To approve the Riverwood bill of sale.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

L (b) Zoning Report

Trustee Enlow commented about the Zoning Report and that some of them are repeat issues he wanted to know if there was something they can do to close some of these out. The Board discussed the Zoning Report at length and the difficulties that are experienced when working with zoning violations.

Motion by Enlow, second by O'Neil

To receive and file the Zoning Report.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

ADJOURNMENT

Motion by O'Neil, second by Blades

To adjourn the meeting at 9:39 p.m. due to no further business.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

The regular Board of Trustees meeting adjourned at 9:39 p.m. due to no further regular business.

Respectfully Submitted,

Kellie Angelosanto

Michele Cash

Kellie Angelosanto
Recording Secretary

Michele Cash
Township Clerk