

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
June 4, 2018

Approved: **JULY 2, 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

Guests: 22

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 May 7, 2018
Approval of Disbursements
Building Department Report for April 2018
Fire Report April 2018
Zoning Report May 2018
Sheriff's Tri-Annual Report

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

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Dolan announced a public meeting to review the conceptual plan of the Eleven Mile Park to get feedback from the residents at 7:00 p.m. June 5, 2018.

Trustee Hicks reported 99 years ago today the 19th amendment was passed which gave women the right to vote. Oakland County Prosper magazine posted a nice article on the Kite Festival. The traffic signal is being installed in front of Kroger at 10 Mile and Johns Road.

Clerk Cash reported the last day to register to vote is July 9, 2018 in order to be able to vote in the August primary.

Supervisor Dolan thanked the Kite Festival volunteers. It turned out exceptional. He also thanked John Bell who started the Kite Festival 10 years ago.

Mr. Bell thanked the Board as well as the volunteers.

CALL TO THE PUBLIC

Patrick Groleau, 60772 Shady Creek Drive - He explained he is starting to see less trash and things for sale coming into the neighborhood. The two trailers he gets to look at are hidden now with the leaves. They do have a court case on June 11. He thought posting information on how to submit to be on the agenda would be helpful. He hoped to have this closed out soon.

REPORTS

Supervisor Dolan asked for feedback regarding the reports and if some of them should be removed permanently since they are redundant and covered on this meeting.

DDA – Ms. Archer brought the Board up to date regarding the significant improvements that need to be made regarding the New Hudson Drain. She also reported the mock up of the new website should be available by the end of June.

Fire Chief – Chief Van Sparrentak reported the concrete work has concluded at Fire Station #2. He would like to provide an opportunity for the public to come and meet and have Coffee with the Chief on June 16 from 9:00-10:30 a.m. at Fire Station #1 on Grand River.

Sheriff – Lieutenant Venus reported South Lyon Schools asked to have an officer at Centennial Middle School and Millennium Middle School. It has been running smoothly. There was an incident last week at Millennium where a threat was made. He spoke about the increase in calls with the increased population.

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

ZBA – None

Park Advisory Board – Robert Swain provided an update to the Board regarding the last Park Advisory Board.

DPW – Mr. Martin reported they've been working on a variety of items. They decided to wait on the sidewalk repairs on Rice Street until school is out. Take over of the water department is another big item and they are very excited about it.

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. Artesian of Pioneer Water Discussion

Mr. Kidston provided an update regarding the water treatment plants. The switch over was done last week and it took a lot of effort. The Township is no longer contacting with Oakland County to run the Township Water system and as they progress the modifications will be done. Summer season is up coming and they have asked the residents to be patient and preserve water as best they can. No watering between 5 to 9 o'clock a.m. or 5 to 9 o'clock p.m. The tower will begin going up quite rapidly on Griswold and 9 Mile Road. Woodwind is going well too.

B. Consideration of the adoption of an Amendatory Ordinance for the Charter Township of Lyon to Amend Oak Ridge Planned Development – Final Review; AP-17-10

Mr. Sloan explained nothing has changed. The first reading was adopted. The recommendation is the same to approve the final plan subject to 8 conditions listed in the McKenna memo dated March 29, 2018.

Trustee Hicks questioned if this will eliminate the lagoons at no expense to the Township. Mr. Fingerroot stated yes.

Trustee Enlow noted the following inconsistencies regarding the PD Agreement:

- Recital, Section F: Incomplete – Planning Commission date missing.
- Article II, 2.1e: Incomplete
- Article IV, 4.3.a: RCOC required improvements to 10 Mile Road, including the acceleration/deceleration lanes and the continuation of the center turn lane, should be completed during Phase One.
- Article IV, 4.3.a: Material states limestone for the access drive. This will be a future maintenance hazard, should be concrete. Plans also show grass pavers, this is inconsistent with the PD Agreement. Trustee Enlow questioned if the intent is to have all limestone or grass pavers? Mr. Fingerroot stated from the street through the lot it will be grass pavers and then limestone. Mr. Enlow stated that should provide both material types in the PD Agreement.

- Article IV, 4.3.g: Change the third line from “The Township shall be responsible for” to “The Developer shall be responsible for” in regards to the water tower.
- Article IV, 4.3.i: Landscape plans still show the 16 foot trees on the west line only, not the east property line.
- Article IV, 4.4.a: Landscape plan needs to be updated to show the 16 foot trees and the date of the revised plans needs to be changed in this section.
- Article IV, 4.15.a: Minor reductions in setbacks, this should be deleted from the PD Agreement as the setback have already been significantly reduced by the PD.
- Signatures Pages: The clerk’s name is Michele, not Michael.

Mr. Fingerroot stated he believed those items can be fixed. He did not think anything was objectionable.

**Motion by Cash, second by Hicks
To approve AP-17-10 Oak Ridge Final Plan Development Agreement with the changes noted by Trustee Enlow, the McKenna letter dated March 29, 2018 and the CES memo dated May 31, 2018.**

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

MOTION APPROVED

C. Consideration of the Adoption 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

**Motion by O’Neil, second by Carcone
To adopt Zoning Ordinance No. 195-18.**

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

MOTON APPROVED

NEW BUSINESS

A. Request for Pontiac Trail & Milford Rd. Water Main Extension

Ms. Zawada gave an overview of the project. She stated this is to consider if the Township would be willing to extend water main to a parcel of land in Milford. She explained an analysis was done to see what would be required to meet the Engineering Design Standards; they did not do future projections. In order for the water main to work the water main would need to be looped.

Representing Triumph: Robert Paciocco
 Adriano Paciocco
 Patrick Qarana.

Mr. Paciocco explained Triumph is a 3rd generation builder and developer. They plan on developing and building a mixed use project which will consist of approximately five commercial pads and an approximately 200 unit luxury two story, multi-family rental community. The plan includes a community club house with pool, a one car attached garage for each unit and many other amenities. They believe a benefit for Lyon Township is that their development will attract new businesses for the undeveloped land at Lyon Crossing.

Their preference is to provide municipal water for the development which their site currently does not have. The proposal to the Lyon Township is to extend the dead end water main located on the south side of Pontiac Trail and complete the loop on the existing water main system for Lyon Township.

They request the approval for the water main extension, subject to an acceptable intergovernmental agreement. The water main extension would provide valued improvement to the Township in excess of 1.2 million to be paid for 100% by the developers.

Ms. Anderson explained this is premature to service a parcel that hasn't been approved by the neighboring community; there is nothing formal at this point. General discussion would be in order.

Mr. Paciocco stated they were hoping to get an approval subject to an intergovernmental agreement by both Townships and move forward with the attorneys and submit accordingly. Ms. Anderson stated there can be some conversation and indication as to where the Board would be lining up, but without something solid it is difficult to get an answer.

Trustee O'Neil stated he would not be comfortable voting on it tonight but he doesn't object to it and he is optimistic. Trustee Enlow stated it's a good thing in his book and whatever is proposed is Milford's call. Treasurer Carcone also stated she is in favor of it.

Trustee O'Neil commented that the Board would want to see what is being proposed before they would help supply water, they would want it tied to a specific project.

Clerk Cash stated she is for finishing the loop and agreed it is up to Milford. Trustee Hicks stated this is the exact type of development they are looking for and it would help Lyon Township as well, the water extension is a no brainer. They do have to know what is going to go there before the final approval. Trustee Blades agreed with everyone that it is a benefit to loop the water at the developer's expense but it is Milford's approval.

Trustee Blades questioned if there are repairs needed to the loop in the future who would be responsible for the repair. Mr. Paciocco stated it would fall within the Township's responsibility.

Trustee Blades asked if this would increase the police need and the impact on the intersection with the additional traffic.

B. Lyon Preserve PD; AP-17-18 Final Review

Mr. Sloan reviewed the McKenna memo dated May 30, 2018. He explained at the Planning Commissions meeting on May 14, 2018, the Planning Commission unanimously recommended approval of the final plan for the Lyon Preserve PD to the Township Board, subject to the McKenna review letter of May 11, 2018 which are as follows:

1. Proposed timeline of development construction on all phases to be provided, as well as a timeline of all public and private improvements.
2. The applicant should contact the Post Office to determine if mailbox clusters will be required. If they are required, then they should be designed and shown on the plan.
3. Provide façade designs and floor plans for proposed residential units.

Ms. Zawada referenced the CES memo dated May 31, 2018. She noted the following:

1. The applicant has not submitted detailed engineering plans for review at this time. Should those reviews require layout modifications; a PD amendment will be required. CES will review the grading plans, water main, sanitary sewer, and storm water management in detail with those reviews.
2. CES received the soil borings since the Planning Commission meeting and are concerned with the preliminary grading plan submitted there may be the situation of sump pumps running continuously. Additional information needs to be provided to make that determination.
3. If the Township Board is inclined to approve the final PD at the first reading, she would recommend that all grading sheets be removed from that approval.
4. Please note that the Ten Mile Road improvements shall be required as part of phase 1. The detailed improvements will be reviewed as a part of the detailed engineering review.
5. CES has not received any permits for this project at this time.
6. The final PD plans should clarify if any of the walk/path near the play structure will be constructed as part of Phase 1.
7. Please note that the forebay and detention basins are required to be constructed as part of Phase 1 as well as the necessary storm sewer for phase 1 to drain to the basins.

Tom Gizoni, Alpine Engineering stated he has no worries about the water concerns, the ponds are ok based on what he is seeing. The homes themselves, they are two to 3 feet higher than the homes in Stoneleigh. They are bringing in fill to get the homes up as high as they can. They would like to review the data with Ms. Zawada and get this resolved.

Ms. Blades stated she is inclined to go with Ms. Zawada's concerns regarding the water. She does like the project. She questioned if the pathway is paved within the natural area. Mr. Gizoni stated they are proposing asphalt millings.

Mr. Enlow stated to make sure the paving of the Douglas approach is in the PD Agreement. He has no complaints since there are many community benefits going along with this project.

Motion by Enlow, second by O'Neil

To approve the first reading of Lyon Preserve AP-17-18 formerly known as Huntmoore Estates with the PD Agreement corrections as stated by Trustee Enlow, the McKenna memo dated May 30, 2018 and the removal of the grading plans.

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

MOTION APPROVED

C. Resolution to Update the Utility Fee Schedule

Ms. Zawada explained the only fee that was added was \$100 lump sum water use fee for new residential building. No fees were increased.

Motion by O'Neil, second by Enlow

To adopt Resolution adopting an amended utility fees schedule, Resolution No. 2018-08

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

MOTION APPROVED

D. Ordinance to Update the Engineering Design Standards

Motion by O'Neil, second by Blades

To move Ordinance No. 05-18 to update Engineering Design Standards to 2nd reading.

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

MOTION APPROVED

E. Supervisor's Appointments to the Downtown Development Authority

Supervisor Dolan would like to replace Jay Howie with Troy Powe for a 4 year term ending 11/30/2020.

**Motion by Dolan, second by Hicks
To appoint Troy Powe to the DDA for a 4 year term ending 11/30/2020.**

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

MOTION APPROVED

Jay Howie – He thanked the Board for his time on the DDA.

**Motion by Dolan, second by Cash
To re-appoint Mark Szerlag on the DDA for a 4 year term ending 11/30/2020.**

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

MOTION APPROVED

Troy Powe – He commented that he thanked the Board for instilling their trust in him.

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

Trustee O'Neil stated he would be in favor of waiting till July, he felt this is in the job description of the planner. There was brief discussion regarding the timeline.

**Motion by O'Neil, second by Enlow
To table for reconsideration at the July meeting.**

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

MOTION APPROVED

G. Consideration of the Adoption of an Ordinance for the Charter Township of Lyon to amend Chapter 48 Zoning, to provide consistency in the submission process for land use applications – text amendment; AP-18-25 Zoning Ordinance No. 196-18

Mr. Sloan reviewed the McKenna memo dated May 30, 2018 and explained at the Planning Commission meeting on May 14, 2018, the Planning Commission held a public hearing and unanimously recommended approval of the proposed text amendments. There were no objections at the public hearing.

**Motion by Cash, second by O’Neil
To approve the text amendment AP-18-25; Zoning Ordinance No. 196-18.**

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

MOTION APPROVED

H. Request for Grant Writer for Lyon Township

Trustee Hicks explained every month he sees grants that people are getting and we don’t get any because we don’t apply for them. He felt maybe this is a good function for the planner.

**Motion by Hicks, second by Carcone
To table this item until the planner position is figured out.**

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

MOTION APPROVED

I. Letter of Intent for Property Sale 21001 Pontiac Trail; Parcel #21-31-440-034

Treasurer Carcone provided a history of the property. Accepting either offer would do a great service to the Township. She would recommend leaving the funds in the Sewer Enterprise Fund.

**Motion by O’Neil, second by Cash
To accept the offer from PIRHL subject to negotiation of the deposit terms not to be any less than what is being offered in the purchase agreement and the due diligence period not to be any longer than what is outlined. To approve the letter of intent for the purchase price of \$1,750,000.00.**

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

MOTION APPROVED

J. Personnel Policies & Procedures Manual

Supervisor Dolan explained the manual was provided so everyone can take it and review it and bring back comments at the next meeting.

CLOSED SESSION

Motion by O'Neil, second by Carcone

To enter into closed session to consider a written Attorney-Client privileged communication in accordance with the Open Meetings Act, MCL 15.268(h) at 9:11 p.m.

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

MOTION APPROVED

Board of Trustees reconvened into regular session at 9:48 p.m.

ADJOURNMENT

Motion by O'Neil, second by Carcone

To adjourn the meeting at 9:48 p.m. due to no further regular business.

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

MOTION APPROVED

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash

Michele Cash
Lyon Township Clerk