

**CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES
SPECIAL MEETING MINUTES
August 19, 2004**

Approved as submitted October 4, 2004.

DATE: August 19, 2004
TIME: 5:00 PM
PLACE: 58000 Grand River

1. **Call to Order:** Clerk Johnson called the meeting to order at 5:05 PM.

2. **Pledge of Allegiance**

3. **Roll Call:** Present: Patricia Carcone, Treasurer
Pamela Johnson, Clerk
Steven Adams, Trustee
Dan Cash, Trustee
Lannie Young, Trustee

Absent: Joseph Shigley, Supervisor
Ray Bisio, Trustee

Also Present: Matthew Quinn, Township Attorney (arrived @ 5:45 PM)
Chris Doozan, Township Planner
Leslie Boisvenu, Township Engineer
Loren Crandell, Township Engineer

Guests: 7

Due to the absence of Joe Shigley, Township Supervisor Clerk Johnson made the following motion:

Ms. Johnson made a motion to turn the meeting over to Trustee Young to Chair. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
Nays: None
Absent: Bisio, Shigley

Motion approved.

4. **APPROVAL OF THE AGENDA**

Mr. Young stated that in the absence of the Township Attorney and Township Engineer, he would like to rearrange the agenda as follows:
- Item d to be discussed first

Ms. Carcone made a motion to approve the consent agenda as modified. Ms. Johnson supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Bisio, Shigley

Motion approved.

5. **CALL TO THE PUBLIC ON NON-AGENDA ITEMS NONE**

6. **OLD BUSINESS**

d. Small Animal Clinics in the I-1 Zoning District – Proposed Text Ordinance

Mr. Doozan explained that they received a request from Mark Evangelista to allow a small veterinary clinic to locate in the Lyon Industrial Research Center. He stated that there are some vacancies in the industrial center. He stated that currently the Township Ordinances do not permit this type of use in this zoning district. He stated that the Planning Commission instructed him to put together some standards to allow a small veterinary clinic in the I-1 District, subject to special land use approval with conditions. He stated that on June 14th the discussion at the Planning Commission meeting concluded that it is inappropriate to change the Ordinance for one particular use. As a result, this comes to the Board with a recommendation of denial from the Planning Commission.

Mr. Young stated that right now these types of uses are allowed in and R-1.0 District with a special use permit. Mr. Doozan responded that in an R-1.0 District large animal clinics are permitted, but small animal clinics are generally permitted in the small office or commercial district.

Mr. Young questioned the reason why the Planning Commission recommended denial. Mr. Doozan responded that the Planning Commission felt that there were other vacant commercial land in the Township that would be suited for this use. The Planning Commission also felt that they did not want to change the Ordinance for one particular use.

Mr. Young stated that this is under special land use, which is something that the Board could review.

Ms. Carcone questioned the type of veterinary clinic. Mr. Doozan responded that there would be no kennels or animal boarding. He stated that it would be a small animal clinic. Ms. Carcone stated that she does not feel that this belongs in this location.

Brent Hemker, Planning Commission, stated that they felt that this would be an unsafe mix of traffic and that it is not a compatible use.

After further brief discussion, Mr. Young called for a motion.

Ms. Carcone made a motion to deny the adoption of the Small Animal Clinics located within the I-1 Zoning District. Mr. Cash supported the motion.

Voice Vote: Ayes: Carcone, Cash, Johnson, Young
 Nays: Adams
 Absent: Bisio, Shigley

b. Water Softener Backwash Discharge Inspection Program
c. Sodium Chloride Action Plan – Giffels Webster Engineers

Loren Crandell, Engineer, explained the discharge to ground water permits with the parameters for sodium and chloride. He noted that these are in there primarily because of water softeners. He noted that the MDEQ is stepping up the enforcement of the level of sodium and chloride in the wastewater systems. He indicated that many inspections have already been done. They still need to do more inspections in the non-residential areas.

Mr. Crandell stated that they have put together an Action Team consisting of Chris Olson, Larry Phillips, Leslie Boisvenu and Mark Sweatman. This team will work together to try to come up with a plan to bring the plant back into compliance.

Mr. Crandell stated that 80% to 85% of Kensington Mobile Home Park has been inspected. They found 40 to 45 trailers in violation. He stated that Alliant Food Services, Applebee's and Chili's did have a problem, but they are all disconnected now. He noted that Carriage Club has been inspected and disconnect notices have been sent.

After further discussion, it was determined that the Township Attorney would be directed to send letters to disconnect to the lot renters at the Kensington Mobile Home Park. It was also determined that they still need to do non-residential inspections. These inspections will cost approximately \$2,800.00.

Mr. Young stated that the \$2,800.00 is for 70 inspections at \$40.00 each. Mr. Crandell responded that this is correct. Mr. Young questioned where the money would come from. Ms. Carcone responded that the money would come out of the Sewer Enterprise Fund.

Ms. Carcone questioned if letters have been sent to the businesses. Ms. Boisvenu responded that letters have been sent as well as violation fine notices.

Ms. Carcone made a motion to approve spending \$2,800 out of the Sewer Enterprise Fund for inspection fees for non-residential water softener backwash discharge program with the ability to try to collect from the non-residential buildings that are not in compliance. Ms. Johnson supported the motion.

Roll Call Vote: Ayes: Cash, Young, Carcone, Adams, Johnson
 Nays: None
 Absent: Bisio, Shigley

Motion approved.

f. First Reading of Normal Domestic Strength Waste Water and Pollution Limitations Amendment Proposed Ordinance

Ms. Boisvenu explained the necessity for this ordinance. She stated that this ordinance will provide for the lowering of fats, oils and grease in the waste water treatment plant.

Mr. Cash made a motion to consider this the first reading of the Normal Domestic Strength Waste Water and Pollution Limitations Amendment Proposed Ordinance. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Bisio, Shigley

Motion approved.

a. Tanglewood Golf Community Waste Water Treatment Facility Expansion – Resolution Agreement

Mr. Quinn stated that at the last meeting the Board directed the Attorney for Tanglewood, Dean Gould, to prepare a resolution and adapt the part of the MDEQ proposal with the pre-existing contract that the Township has with Tanglewood. He stated that Mr. Gould has done this and provided a draft copy to him. He noted that he responded back to Mr. Gould with some changes, which have been made. He explained what is entailed with this agreement. He stated that a motion would be to approve the resolution, which incorporates the agreement and the addendum to the agreement, subject to the final review and approval by MDEQ and the Township Attorney.

Mr. Cash made a motion by resolution to adopt the agreement for Tanglewood Wastewater Treatment Plant subject to final review and approval by MDEQ and the Township Attorney. Ms. Carcone supported the motion.

Roll Call Vote: Ayes: Carcone, Cash, Adams, Young, Johnson
 Nays: None
 Absent: Bisio, Shigley

Motion approved.

e. First Amendment to the Easements with Covenants and Restrictions Affecting Land for Lyon Towne Center North Retail Condominium

Mr. Quinn explained that this concerns itself with the sale to Lowe’s in the east part of the shopping center development. He stated that this talks about the dedication of the road system to the

Road

Commission. The Road Commission has requested that the Township be a party to this agreement that pertains to some of the common elements. He stated that if the association does not

maintain

any of the common areas, then the Township would have the right to come in and maintain the common areas and then place liens against the properties until any money spent is collected. He stated that he has reviewed the document and it is in proper form for approval and signature by the Township Supervisor. He stated that it does not obligate the Township to do anything, it is just a guarantee in case the drainage system fails to be maintained.

Mr. Young stated that this was not in the original agreement. Mr. Quinn responded that this is not in the original agreement. He noted that Kojaian has been working with Oakland County for approximately a year to finalize this document.

Mr. Cash made a motion to approve the first amendment to the Easements with Covenants and Restrictions Affecting Land for Lyon Towne Center North Retail Condominium. Ms. Johnson supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Bisio, Shigley

Motion approved.

g. Auto City Service located at 60999 Grand River Ave. – Sign variance expired June 1, 2004 – Report from Attorney on Discussions held

Mr. Quinn explained that the reason that this is here is really to provide Legal Counsel authorization to institute a law suit, if it becomes necessary. He stated that this is the Mobil Gas Station located at Kent Lake Road and Grand River. He stated that they were granted a variance to maintain the pole sign for a two year period, which has expired. He stated that he has had discussions with Auto City's Attorney, who has advised Auto City to remove the sign, but an agreement has not yet be finalized as to when this will be done. He stated that just in case they don't agree, he would like the authorization to file a law suit for an injunction against Auto City to have the sign removed.

Ms. Carcone made a motion to grant authorization to the Township Attorney to institute the appropriate Circuit Court litigation. Mr. Cash supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Bisio, Shigley

Motion approved.

7. NEW BUSINESS

a. Request for Loan Amendment to Nationwide Retirement Plan

Mr. Cash stated that he inquired whether or not they could borrow against their retirement fund. He stated that he was told that an employee would have to quit in order to get their money and then rejoin again.

Mr. Quinn stated that the Board adopted this deferred compensation program, which is allowed by ordinance. He stated that an amendment could be adopted so that loans could be taken for up to 5 years. Payments would then be made back to yourself with interest.

Ms. Carcone stated that this plan is in lieu of Social Security. She stated that you could not take a loan out of Social Security. Mr. Quinn stated that this would not be governed by the same laws as Social Security.

Mr. Young stated that he has borrowed against his 401K and has paid it back over time. He stated that he did not feel that this is not always the smartest thing to do. He stated that he does feel that if there is a need, then they should give the employees that opportunity.

Mr. Quinn stated that this is the amendment to the plan documents. He stated that this would be approved by the Township's resolution and filed with Nationwide Retirement, who would take care, internally, of the process for any loans requested. He explained what amount could be borrowed.

After further discussion, the Board determined that this issue should be tabled for further information.

Ms. Carcone made a motion to table this issue until the September 7, 2004 Board meeting. Mr. Cash supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Bisio, Shigley

Motion approved.

8. ADJOURNMENT

Mr. Young made a motion to adjourn the meeting and table items f through k until the special meeting scheduled for next week. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Bisio, Shigley

Motion approved. The meeting was adjourned at 6:10 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary

Pamela Johnson
Clerk