

**CHARTER TOWNSHIP OF LYON  
BOARD OF TRUSTEES  
MEETING MINUTES  
October 3, 2005**

Approved as submitted November 1, 2005.

DATE: October 3, 2005  
TIME: 7:00 PM  
PLACE: 58000 Grand River

**1. Call to Order:** Clerk Johnson called the meeting to order at 7:03 PM.

**2. Pledge of Allegiance**

**3. Roll Call:**

Present: Patricia Carcone, Treasurer  
Pamela Johnson, Clerk  
Dan Cash, Trustee  
Brent Hemker, Trustee  
John Hicks, Trustee  
Troy Schilling, Trustee

Absent: Lannie Young, Supervisor (vacation)

Also Present: Matthew Quinn, Township Attorney  
Chris Olson, Township Superintendent  
Chris Doozan, Township Planner  
Leslie Zawada, Township Engineer  
Loren Crandell, Township Engineer  
Les Young, Fire Chief  
Al Hogan, Building Official

Guests: 25

Ms. Johnson made a motion to have Brent Hemker chair the meeting. Mr. Hicks supported the motion.

Voice Vote: Ayes: All  
Nays: None  
Absent: Young

Motion approved. Mr. Hemker took over as Chair of the meeting.

**4. APPROVAL OF THE CONSENT AGENDA**

- Approval of Special Meeting Minutes of August 25, 2005
- Approval of Regular Meeting Minutes of September 6, 2005
- Approval of Disbursements
- August Revenue/Expense Report
- Young Balance Report through August, 2005
- Fire Department Report for August, 2005
- Building Department Report for August, 2005
- Zoning Report for July/August, 2005
- Sheriff Department Report for August, 2005

**- Engineer Status Report for August, 2005**

Ms. Carcone made a motion to approve the consent agenda as submitted. Mr. Hicks supported the motion.

Roll Call Vote:           Ayes: Hemker, Johnson, Carcone, Young, Hicks, Schilling  
                                  Nays: None  
                                  Absent: Young

Motion approved.

**5. ANNOUNCEMENTS AND COMMUNICATIONS**

Ms. Zawada gave an update of the Lake Angela issue. She stated that they will continue to monitor the water levels.

Mr. Hicks stated that the Board approved BS&A training at the last meeting. The training is scheduled for February 1, 2 and 3, 2005.

Mr. Hicks stated that WOCCA is assembling a camera package for the Township and that it should be available this week.

Ms. Carcone stated that BS&A will be giving a demonstration on utility billing the first week of November.

Ms. Johnson stated that new voter identification cards have been mailed. She stated that there will not be any more school precincts. The precincts for school voters will now be the municipal precincts.

**6. CALL TO THE PUBLIC**

Chris Roberts, 56645 McKenzie Lane, stated that he would like the sub-committee for lighting to consider residential as well. He noted that he has talked to some citizens who were concerned about lighting going up in their neighborhood.

Larry Brown, 24322 Tara Drive, questioned the status of his request for a light at the end of the street. He noted that the request was submitted in March, 2005. He questioned when the sub-committee will be meeting.

**7. APPROVAL OF AGENDA**

The following item were added to the agenda:

- Resolution Setting Hearing Date (added to Mill River in Unfinished Business)
- Local Radio Administrator (added to Unfinished Business)
- Purchase of Roofing Materials for Park Pavilion Building (added to New Business)
- Hiring of a Planning/Zoning Secretary (added to New Business)

The following item was tabled until next month:

- Planning Commission, ZBA and DDA Term Expiration Appointments

Mr. Hicks made a motion to approve the agenda as modified. Ms. Carcone supported the motion.

Voice Vote:           Ayes: All  
                                  Nays: None  
                                  Absent: Young

Motion approved.

**8. Presentation of South Lyon Youth Assistance Program – Bob Ziegler**

Bob Ziegler gave a brief presentation of what the South Lyon Youth Assistance Program has done over the past year. He asked the Board to continue their support of this program.

**9. UNFINISHED BUSINESS**

**a. Mill River Off Site Sanitary Sewer and Resolution Setting Hearing Date**

Mr. Crandell gave a presentation of the Mill River off-site sanitary sewer project, which is proposed to connect to the Township force main on Milford Road. He noted that Mill River is on a time schedule. He stated that Mocerri asked him to get an indication from the Board whether or not the Township would consider a payback ordinance, if the numbers come back in the Township's favor.

Ms. Carcone stated that she would not consider a payback ordinance. She stated that this is something that they don't want to get into. She stated that the Township has a Sewer Enterprise Fund that could be used for something like this. She stated that she would vote to take the money out of the Sewer Enterprise Fund, but would never vote for a payback ordinance.

The consensus of the Board was that they would prefer not to enter into a payback ordinance.

Mr. Quinn explained the proposed resolution is setting the hearing date on the revised project description, the revised cost estimate and on the special assessment roll for the Mill River sewer and water improvements special assessment district. He stated that this special assessment with the value of \$7,983,417 is a special assessment district that was scheduled to be sold by the end of this year due to next year's anticipated bond sales, which may put the Township at or very close to their special assessment bond limitation. He stated that according to Tom Traciak they need to have the public hearing sometime during the month of October to allow him time to schedule the bond sale by year end. He stated that because of the time needed for the necessary publications, the public hearing can be no earlier than October 24, 2005. He stated that a special meeting of the Board of Trustees will be necessary on or after October 24<sup>th</sup> to hold this public hearing. He stated that there is only one property owner for this public hearing, LPRS.

There was brief discussion as to when a special meeting could be held. Mr. Hemker noted that in looking ahead at the agenda, the CDBG issue will also require a public hearing and felt that these two issues could be combined.

Mr. Hicks made a motion to schedule a public hearing for the Mill River sewer and water improvements special assessment district for Thursday, October 27, 2005 at 6:00 PM.

Ms. Carcone supported the motion.

Roll Call Vote:           Ayes: Johnson, Carcone, Hemker, Hicks, Schilling, Cash  
                                  Nays: None  
                                  Absent: Young

Motion approved.

**b. Resolution Determining Sufficiency of Petitions and Necessity of Improvements and Designating Special Assessment District for the Martindale Road Low Pressure Sanitary Sewer Improvement Special Assessment District.**

Ms. Zawada explained that this is the special assessment for the low pressure sewer along Martindale Road, just north of Eleven Mile Road and across from the Hornbrook Estates development. She stated that since the last Board meeting, Giffels-Webster did send out letters to all of the nine properties in the district scheduling an informational meeting. Also stated in the letter was that cost have significantly increased since the time of petition. She stated that they did hold the meeting last Thursday and that four properties owners were in attendance. She explained what was discussed at the meeting and what the approximate costs of the project.

Ms. Zawada stated that she did let everyone know that the public hearing, which was held at the September meeting, was officially closed. She stated that she encouraged everyone to contact Clerk Johnson's office prior to today to let her know if they wish to remain in the special assessment district. She stated that seven out of the nine parcels did contact the Clerk's office. She displayed an overhead of the involved parcels and who is still in favor of this project. She noted that the total cost for this project is approximately \$122,000.

Mr. Quinn stated that it is now up to the Board to make the final determination as to whether to proceed with this special assessment district or not. He stated that the resolution in front of the Board this evening, is the resolution determining sufficiency of petitions. He explained the two sections of the resolution. He stated that construction cost, which are estimated by the Engineers, will be \$122,220. He noted that all the funds would be assessed and that there is no monies being paid by the Township-at-large.

Mr. Cash made a motion to approve the resolution determining sufficiency of petitions and necessity of improvements and designation special assessment district for the Martindale Road low pressure sanitary sewer improvement special assessment district. Mr. Hicks supported the motion.

Mr. Hemker asked if there were any comments from the Board regarding the motion.

Ms. Carcone questioned if all the nine property owners will be assessed. Ms. Zawada responded that this is correct. She noted that one of the things that they discussed at the informational meeting is that the construction costs went up approximately 25%. Ms. Carcone questioned if the two people that they did not hear from was a "yes" vote and one was a "no" vote. Ms. Zawada responded that this is correct. There was further discussion with regard to who Ms. Zawada did hear from and who she did not hear from.

Mr. Hemker questioned the zoning of this area. Mr. Olson responded that it is R-1.0 zoning. Mr. Hemker stated that there is really only one property that would benefit in terms of splits or anything. Mr. Olson indicated which lots are occupied and which lots are vacant.

Mr. Hemker asked if there were any public comments.

Catherine Guzowski, 26381 Martindale Road, stated that she came here tonight because she has a very large interest in this. She noted that the parcel next door, the McCreedy parcel, is against putting in the sewer and felt that more than anyone else on the street, this parcel is probably the one that needs the sewers the most because the parcel is not very wide. She noted that there was an engineered field put in the front of the house on the McCreedy parcel that is partially on her property. She indicated that she is in support of this project.

Mr. Olson noted that the McCreedy lot is 46' wide. He stated that Kim Demars from the Oakland County Health Department was in today regarding this, but he does not know what the status is at this time.

Ms. Carcone asked Ms. Guzowski how long she has lived at this address. Ms. Guzowski responded that she does not live there, it is a rental property.

Loretta McCreedy, 26471 Martindale Road, stated that her property is 42' wide and 210' deep. She stated that the engineered field was put in by a company that she hired and that there is no sewage leak. She felt that none of the houses on the nine parcels can endure the \$25,000 cost and still be able to sell their homes and make any money. She noted that there are two people who live in here, herself and her sixteen year old daughter. She noted that she purchased her house in 2000 and it was inspected when she bought it. She stated that she doesn't want to start anything with her neighbors, but the house next to her is a duplex rental.

Tom Huber, 26055 Martindale Road, stated that if he built a 3,600 square foot house on Martindale Road and had to install an engineered field because the property didn't perk. He stated that the size of the field is 3,600 square feet. He stated that a lot of the people who have signed the petition are concerned because their fields are starting to reach capacity. He stated that some of the people who haven't signed the petition are actually here tonight. He stated that if you look at the pattern along this area, it is clear that over time the land is not able to handle or sustain the amount of sewage that is generated by these properties. He noted that he does own property that can be split three ways and it is a value to him.

Edith Huber, 26055 Martindale Road, spoke on behalf of Mike Rencheck, who had to be out of town on business. Mr. Hemker noted that they did receive a letter from them.

Roll Call Vote:           Ayes: Johnson, Hicks, Cash  
                              Nays: Schilling, Hemker, Carcone  
                              Absent: Young

Motion failed.

Ms. Carcone stated that if the five people that want the sewers want to take the total assessment, then she would not have a problem with this, but to assess the four people who don't want this , she has a problem. She noted that this is a lot of money to assess someone who doesn't want this.

Mr. Cash made a motion to table this issue until the November meeting so that the whole Board will be present to decide this issue. Mr. Hicks supported the motion.

Voice Vote:            Ayes: All  
                              Nays: None  
                              Absent: Young

Motion approved.

**c. Collateral Assignment of Contract Rights for the Eleven Mile Paving and Water Main Special Assessment District.**

Mr. Quinn stated that this is similar to what the Board did at the last meeting on the Spaulding Road issue. He stated that this is a collateral assignment of contract between Ivanhoe-Huntley, Pacitto & Forest Construction and South Hill Construction Company for the construction of the Eleven Mile paving and the water main project. He reminded the Board that the Township only has the right to step in and enforce this contract if Ivanhoe-Huntley in any way defaults. He stated that this collateral assignment has already been signed and if the Board approves it, the signature blocks for the Township will be added.

Ms. Carcone made a motion to approve the Collateral Assignment of Contract Rights for the Eleven Mile Road paving and water mains special assessment district between Ivanhoe-Huntley and Lyon Township. Mr. Hicks supported the motion.

Mr. Hemker asked if there were any comments or questions from the Board. There were none

Voice Vote:           Ayes: Carcone, Cash, Hicks, Johnson, Schilling  
                              Nays: Hemker  
                              Absent: Young

Motion approved.

**d. Text Amendment to Clarify “Building and Construction” for Wetland and Watercourse Setback (Footnote f, Schedule of Regulations, of the Zoning Ordinance) – 2<sup>nd</sup> Reading (Published 9/29)**

Mr. Quinn stated that this ordinance has been seen by the Board already. He noted that there is one typographical error in paragraph F.1, which will be corrected on the original form.

Mr. Hicks made a motion to approve the amendment to the Zoning Ordinance, Article 3.00, Rules of Construction and Definitions, Section 3.02, by adding the language proposed.

Ms. Carcone supported the motion.

Mr. Hemker asked if there were any comments or questions. There were none.

Roll Vote:            Ayes: Johnson, Hemker, Carcone, Hicks, Cash, Schilling  
                              Nays: None  
                              Absent: Young

Motion approved.

**e. Planned Development Regulations – 2<sup>nd</sup> Reading (Published Sept. 29<sup>th</sup>)**

Mr. Quinn stated that this has been published since the last meeting and is ready for the Board's consideration and adoption.

Mr. Cash made a motion to approve the 2<sup>nd</sup> reading of the Planned Development Regulations. Ms. Carcone supported the motion.

Mr. Hemker asked if there were any comments or questions. There were none.

Roll Call Vote:        Ayes: Cash, Johnson, Schilling, Carcone, Hicks, Hemker  
                              Nays: None  
                              Absent: Young

Motion approved.

**f. Resolution Creating a Road Improvement Fund**

Mr. Quinn stated that this resolution was prepared due to the fact that the Board is going to be receiving certain funds from individuals of the development community to be placed into the Township's road improvement fund for use at the Board's discretion. He stated that in order to establish this fund, this resolution is necessary. He reviewed some of the language of the proposed resolution.

Mr. Cash made a motion to approve the resolution to establish a road improvement fund. Mr. Hicks supported the motion.

Mr. Hemker asked if there were any comments or questions. Ms. Carcone stated that she did ask Rana Emmons, Auditor, if they needed to open a separate account for this. She was told that they do not. Ms. Carcone indicated that even though she does not have to, she will open a

separate account so that this money will collect its own interest.

Roll Call Vote:           Ayes: Schilling, Carcone, Johnson, Cash, Hicks, Hemker  
                              Nays: None  
                              Absent: Young

Motion approved.

**g. Bond Resolution – General Obligation Bonds, Series 2005-B (Township Share of Woodwind Well #3 Project - \$103,000)**

Mr. Quinn stated that this bond was prepared by the Township's Bonding Attorney in the amount of \$103,000 and is in the appropriate form for the Board's consideration this evening. He stated that the \$103,000 is being backed up by three installment payment agreements that have already been signed covering properties in Walnut Creek Estates and other Woodwind properties.

Mr. Hicks made a motion to adopt the resolution General Obligation Bonds, Series 2005-B. Mr. Cash supported the motion.

Mr. Hemker asked if there were any comments or questions. Ms. Carcone stated that they are going to have this bond closing on October 13<sup>th</sup>. She stated that Tom Traciak did a lot of searching for this bond. She noted that they did not get a really good rate because it is only \$103,000, but was able to get a rate of just under 5%. She stated that this money will get deposited into the construction fund for Woodwind Well No. 3. She stated that Sun Trust is getting the bond.

Roll Call Vote:           Ayes: Hemker, Carcone, Hicks, Johnson, Cash, Schilling  
                              Nays: None  
                              Absent: Young

Motion approved.

**h. Bond Resolution – Note Authorization for a Bond Anticipation Note for the Southwest Water and Southwest Sewer Special Assessment Districts**

Ms. Zawada stated that they had originally intended on bonding the Southwest Water and the Southwest Sewer special assessments projects this year. She stated that at several meetings with Tom Traciak they discussed the bonding capacity of the Township. They decided that it would be best to wait until next year to bond for these projects because they will take a significant amount of the bonding capacity of the Township. She stated that in the meantime they have to finish designing the project.

Mr. Quinn stated that this is for \$3,320,000. He stated that Mr. Traciak has done some preliminary offering of this and it appears that Sun Trust Leasing Corporation was the lowest communicator of this with a proposal of 3.3% for a one year note, being payable by November 1, 2006. He stated that the resolution states that the principle of the note will be paid at the time the bonds are sold, presumably in January or February of 2006. He stated that this is something that the Township has not had to do before, but with the size of the project and the time that it is taking, it was felt that this should be done.

Mr. Cash moved by resolution to approve the note authorization for a bond anticipation note for the Southwest Water and Southwest Sewer Special Assessment Districts in the amount of \$3,320,000. Ms. Carcone supported the motion.

Mr. Hemker asked if there were any comments or questions. Ms. Carcone stated that they intend to pay this off the day after they close and receive the funds for water and sewer.

Roll Call Vote:           Ayes: Hicks, Schilling Carcone, Johnson, Hemker, Cash  
                                  Nays: None  
                                  Absent: Young

Motion approved.

**i. Local Radio Administrator**

Mr. Quinn stated that the radio system agreement between the Township and Oakland County comes from Oakland County. He stated that this is for the new 800mhz system that is being created. This agreement will allow the Township to enter into this with the County and also allow the Township to receive funds to purchase any necessary equipment. The resolution appoints Chief Cash as the Administrator and Don Collick as the Alternate Administrator for this system. He stated that there are some policies and procedures that are not yet completed by the sub-committee at the County level, which is Exhibit A that is referenced. He stated that as soon as those policies and procedures are available, they will be attached to this contract for the review of the Chief and Mr. Olson. He stated that this allows the Township to withdraw from the contract, if they don't like the policies and procedures.

Chief Cash stated that this will give the Fire Department the ability to intercommunicate between the Sheriff Department, Fire Department and everybody else on the system.

Mr. Hemker stated that it is pretty interesting when you look at everything this system can do with the inter-operability.

Chief Cash stated that this system stems from the Ford Motor Company shooting a couple years ago.

Mr. Cash moved by resolution to approve the radio system agreement between Oakland County and the Charter Township of Lyon as attached to the resolution. Ms. Johnson supported the motion.

Mr. Hemker asked if there were any comments or questions. There were none.

Roll Call Vote:           Ayes: Hemker, Cash, Schilling, Hicks, Carcone, Johnson  
                                  Nays: None  
                                  Absent: Young

Motion approved.

**10. NEW BUSINESS**

**a. Touchstone Rezoning Request – AP-05-33, Northeast Corner of 10 Mile and Milford Roads**

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated September 21, 2005 regarding this issue.

Greg Obloy, Attorney, 300 E. Maple, Birmingham, distributed a map indicating the existing land use surrounding this site. He introduced Todd Wyett of Touchstone Corporation, Paul LeBlanc, Planner with Langworthy, Strader, LeBlanc & Associates, Dan Courser, Chief Executive Officer of Busch's and Matt Ray, Architect of the proposed conceptual plan for the site.

Mr. Obloy gave a brief presentation of the proposed site. He stated that Mr. Doozan's review letter is correct in stating that the surrounding property is zoned R-1.0. He stated that the issue

here is that the site is surrounded by non-residential uses, which he reviewed. He stated that the intersection of Milford Road and Ten Mile Road is a busy intersection and when water and sewer does come there, there will be even more traffic. He noted that within a 1-1/2 mile circumference of this site the current population is 3,000 but with everything that is proposed, the population will jump to 7,000.

Mr. Obloy stated that what is proposed under the B2 zoning is a commercial neighborhood retail center. He stated that Busch's is proposing to construct a 45,000 square foot grocery store with ancillary uses. He cited an excerpt from the R-1.0 zoning district ordinance. He noted that there are no natural features on this site, it is flat land.

Paul LeBlanc, Planner with LSL, discussed the planning issues and explained why they feel that this proposal is right for this site.

Dan Courser, Busch's, gave a brief power point presentation of the Busch's organization and what they intend to construct on this site.

Mr. Hicks made a motion to deny the rezoning request for AP-05-33, Touchstone Corporation, because he does not feel that this is the right location for this. All the non-residential uses in the area are relatively low impact uses. There is an adequate coverage for commercial with a node at Ten Mile Road and Johns Road and also within the City of South Lyon. He felt that it would be very irresponsible of the Board to contribute so much more traffic and aggravation at this corner. Also, for the reasons stated in the McKenna Associates, Inc. letter dated September 21, 2005. Mr. Schilling supported the motion.

Mr. Hemker asked if there were any comments or questions.

Mr. Olson questioned if some of the uses shown on the diagram, particularly to the west of the site, are non-conformities. Mr. Doozan responded that this is true, the collision shop is a non-conformity. He stated that Raney's was established as an agricultural use. Mr. Olson questioned the veterinary clinic. Mr. Doozan responded that the veterinary clinic was established as a conforming use because it is a large animal veterinary clinic and requires the paddock which is appropriate in an R-1.0 district.

Mr. Cash stated that he is excited to have Busch's looking at Lyon Township, but he was not sure what the best location would be.

Ms. Carcone stated that she so wants Busch's to come to Lyon Township. She suggested a couple other sites that this use would be more appropriate. She did not feel that this location would be the best site for this use.

Mr. Schilling concurred with the comments. He felt that Busch's would be an asset to the Township, but not in this location.

Mr. Hemker stated that in addition to the comments in the McKenna Associates, Inc. letter, he stated that in working on the Master Plan, they had McKenna Associates, Inc. draw up for them a map and coverage areas for neighborhood grocery stores and retail centers. He stated that this is not needed in this area. He stated that the existing commercial that is on the northwest corner is not needed to cover the services for the Township residents. He stated that service was needed further east down Ten Mile Road and that is why they selected the Johns Road site.

Mr. Olson noted that the information referenced is based on the former Master Plan and not the one that the Board just voted on to distribute to other communities for comments.

Ms. Carcone stated that Lyon Township has a lower tax rate than the City and felt that Busch's

would not want to go to the City.

Roll Call Vote:           Ayes: Schilling, Hemker, Carcone, Hicks, Johnson  
                              Nays: Cash  
                              Absent: Young

Motion approved.

**b. Hornbrook Estates Site Condominium – PD Amendment Request – 1<sup>st</sup> Reading**

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated September 27, 2005 regarding this issue.

Nick Mancinelli, Hornbrook Estates Building Company, stated that he has no problem with the requests from the Township Planner. He noted that they have been working with the Planners on the design of the entrance monument. With regard to item 4, he asked the Board to look at Exhibit 6, page LP5, they have provided landscape plans for both the east and west side of Daria Circle East. He noted that after talking to Michelle Aniol of McKenna Associates he did not make any of the amendments. He was told that he could make the necessary changes after approval from the Board.

Mr. Cash made a motion to approve the first reading of the Hornbrook Estates Site Condominium PD Amendment. Ms. Carcone supported the motion,.

Mr. Hemker asked if there were any comments or questions.

Mr. Hicks noted that this development is being advertised in South Lyon. Mr. Mancinelli stated that it is advertised South Lyon/Lyon Township. He stated that people east of here sometimes don't know where to go when they see Lyon Township. He stated that they put both in the ad so that people know where to go.

Mr. Hicks questioned if the entry sign in the boulevard entrance will create a site distance problem. Mr. Mancinelli responded that the sign is far enough back from the right-of-way.

Mr. Quinn asked maker of the motion to include reference to the McKenna Associates, Inc. letter dated September 27, 2005.

Mr. Cash amended his motion to include the comments indicated in the McKenna Associates, Inc. letter dated September 27, 2005. Ms. Carcone supported the amendment.

Mr. Mancinelli stated that is it his understanding from Ms. Aniol that they have to go back to the Planning Commission for the amendment to the Master Deed and Exhibit B. Mr. Quinn responded that this is correct. Mr. Mancinelli questioned if he has to wait until after the second reading of this. Mr. Doozan responded that Mr. Mancinelli could begin the process now.

Mr. Olson noted that there has been some concern expressed with the placement of the Post Office boxes at Martindale Road. Mr. Mancinelli explained that these are temporary boxes and will be moved within the development and placed in front of the houses in groups of 1, 2, 3 and 4. He noted that the Post Office will not deliver mail into the development until it is approximately 80% filled.

Roll Call Vote:           Ayes: Johnson, Carcone, Schilling, Cash, Hicks  
                              Nays: Hemker  
                              Absent: Young

Motion approved.

**c. Crystal Creek – North Condominium, Master Deed and Bylaws Approval Request**

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated September 20, 2005 regarding this issue.

Mr. Cash made a motion to approve the Crystal Creek North Condominium Master Deed and Bylaws. Ms. Carcone supported the motion.

Mr. Hemker asked if there were any comments or questions.

Mr. Quinn told Ray Cousineau that in these documents and in the Crystal Creek Condominium documents the same language is needed as in the Elkow Heights By-laws about the water discharge being prohibited into the sewer system.

Mr. Hicks asked that Mr. Cash amend his motion to include the conditions cited in the McKenna Associates, Inc. letter.

Mr. Cash amended his motion to include the comments indicated in the McKenna Associates, Inc. letter dated September 20, 2005. Ms. Carcone supported the amendment.

Voice Vote:           Ayes: Carcone, Cash, Hicks, Johnson, Schilling  
                              Nays: Hemker  
                              Absent: Young

Motion approved.

**d. Crystal Creek Condominium, Master Deed and Bylaws Approval Request**

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated September 20, 2005 regarding this issue.

Mr. Cash made a motion to approve the Crystal Creek Condominium Master Deed and Bylaws subject to the conditions in the McKenna Associates, Inc. letter dated September 20, 2005. Mr. Hicks supported the motion.

Mr. Hemker asked if there were any comments or questions. There were none.

Voice Vote:           Ayes: Carcone, Cash, Hicks, Johnson, Schilling  
                              Nays: Hemker  
                              Absent: Young

Motion approved.

**e. Planning Commission, ZBA and DDA Term Expiration Appointments**

This issue was tabled until next month with the approval of the agenda.

**f. Schedule Public Hearing for Amended DDA Development Plan and TIF Plan**

Mr. Olson stated that they have had meetings regarding the DDA Development Plan and noted that there are no real changes in the document other than the ones that were needed to satisfy the County. He stated that this public hearing is needed to notice all the taxing jurisdictions that will be impacted by this. He reviewed the publication criteria for this.

Mr. Hicks made a motion to schedule a public hearing for the amended DDA Development Plan and TIF Plan for December 5, 2005. Ms. Carcone supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None  
                              Absent: Young

Motion approved.

**g. Community Development Block Grant Funding – Reallocation Request**

Mr. Doozan stated that they have some unspent money from the years of 2001 and 2002. He noted that for some reason they have a problem spending these funds because they have to be spent on low or moderate income residents, which is something that the Township does not have. He stated that from the 2001 funds there is approximately \$16,000 from the demolition projects. He noted that they have run out of demolition projects that are eligible. He stated that there are a couple of projects that have come along that are worthwhile projects, one of which will benefit the Township residents and the other is helping the City of South Lyon put in sidewalks along Chester Street, Northridge Street, South Ridge Street and Center Ridge Street. He noted that the City has already taken bids on this and are in need of \$11,860.50 to make up the shortfall between what they have and what they need. He stated that another use for the funds is to contribute to the Lighthouse of Oakland County for help with the Hurricane Katrina evacuees in the county. The amount of the proposed contribution is \$16,897.50. The total of these two contributions will take the balance of the 2001 and the 2002 funds.

Mr. Cash made a motion to suspend the rules and allow discussion before a motion is made. Ms. Carcone supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None  
                              Absent: Young

Motion approved.

Mr. Hemker asked if there were any comments. Ms. Carcone asked where the low to moderate income residents are in the Township. Mr. Doozan responded that there are none. Ms. Carcone questioned if low to moderate income residents could be senior citizens. Mr. Doozan responded that they could. Ms. Carcone questioned why some of the money could not be used for Christmas in April, which is for the senior citizens. Mr. Doozan responded that he would have to check into this. Ms. Carcone questioned why they could not use the funds for the "File of Life" program. Mr. Doozan responded that he did check into the "File of Life" and was told that they could not use the funds for this.

Ms. Carcone stated that she does not mind giving the money to the City of South Lyon. She noted that the City participated in the Township's trail system and really don't have get any benefit from it. She stated that if the Township has the ability to help the City by giving them the \$11,860.50 then she does not have a problem with this.

Mr. Hicks stated that he understands the urgency for using the funds, and questioned why they could not use some of the funds for sidewalks in the Township. Mr. Doozan responded that they could not because there is no low to moderate income areas.

Mr. Cash stated that he finds it odd that they can't spend the money in the Township, but that they can give it away. He stated that it makes no sense to him. He stated that with regard to the

hurricane fund, he would rather give the money back to the people who live full-time in Oakland County before he would give it to people who are here on a temporary basis. He stated that he does support giving the money to the City for the sidewalks.

Shirley Baker, 27239 Stancrest, questioned if funding could be used for indigent persons within the South Lyon School District. Mr. Doozan responded that the funds would go to the Lighthouse of Oakland County. Ms. Baker stated that there is an organization for indigent people in the South Lyon School District called Act of Faith. She stated that they are a very needy group.

Mr. Hicks stated that he is surprised to see that nothing has been done about installing automatic doors to the Township building. Mr. Doozan responded that they are working on this. Mr. Hemker noted that last December is when the Board okayed the money for this and here it is almost a year later and nothing has been done. Mr. Doozan stated that even though the Board indicated that they wanted to use the money for this purpose, the money does not get released until mid-summer.

Mr. Cash made a motion of intention to approve the reprogramming of CDBG Funds in the amount of \$11,816.50 to be used to help the City of South Lyon put in sidewalks and also to schedule a public hearing for the reallocation of the funds on September 27, 2005 at 6:00 PM. Ms. Carcone supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None  
                              Absent: Young

Motion approved.

Ms. Carcone made a motion to contribute \$17,095.50 to the Lighthouse of Oakland County to aid Hurricane Katrina evacuees in the County. Ms. Johnson supported the motion.

Roll Call Vote:        Ayes: Schilling, Hicks, Johnson, Carcone, Hemker  
                              Nays: Cash  
                              Absent: Young

Motion approved.

#### **h. Purchase of Roofing Materials for Park Pavilion Buildings**

Mr. Olson displayed some samples of the roofing material that he is proposing to use. He stated that they would like to re-roof the three buildings in the park with metal roofing. He reviewed the comments indicated in his memorandum to the Board dated September 29, 2005. He noted that Richard has offered to split the costs with the Township and go to Indiana with his truck and trailer to pick up the material since he will be purchasing some of this material also for his personal use.

Mr. Cash made a motion to approve an amount not to exceed \$4,000 to purchase roofing materials from Martin's Steel Roofing in a tan color. Ms. Carcone supported the motion.

Mr. Hemker asked if there were any comments regarding the motion.

Chief Cash asked what the bottom line of the price will if they are paying Richard to drive to Indiana to pick this material up. Mr. Olson responded that the difference is approximately \$604. Mr. Hemker noted that the motion was not to exceed \$4,000. He stated that the quote did not include any of the screws or ridge caps. Chief Cash questioned if they are paying Richard's wages and mileage, what the difference would be.

Ms. Carcone questioned if it will take more than a day. Mr. Olson responded that this is in the



**12. EXECUTIVE SESSION REGARDING PENDING LITIGATION/PROPERTY ACQUISITION**

Mr. Hicks made a motion to close the regular meeting and go into and Executive Session.  
Mr. Schilling supported the motion.

The regular meeting was closed at 9:58 PM.

**13. ADJOURNMENT**

Mr. Schilling made a motion to adjourn the meeting. Ms. Carcone supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None  
                              Absent: Young

Motion approved. The meeting was adjourned at 10:30 p.m.

Respectfully Submitted,

Deby Cothery

Deby Cothery  
Recording Secretary

Pamela Johnson  
Clerk