

GENOA TOWNSHIP

Work Session

May 16, 2005

MINUTES

Mr. Neil Lehto addressed the board concerning the Metro Extension Permits, Comcast Cable and PanHandle Eastern. He suggested issuing a pipeline permit for PanHandle Eastern that would include a GIS map of the pipeline, contact information and insurance. The SBC permit will expire in 2008 and they need to supply the township with GIS quality maps telling us where the underground wires are located. A telecommunications act is being written in the state legislature today that would encourage competition. With regard to Comcast cable a new contract asking for a senior citizen discount could be included in the contract when it comes due in about 12 years. The township can ask for discretionary items, but we cannot deny their request for renewal.

GENOA TOWNSHIP

Regular Meeting

May 16, 2005

MINUTES

Supervisor McCririe call the regular meeting of the Genoa Township Board to order at 6:40 p.m. The Pledge of Allegiance was then said. The following board members were present constituting a quorum for the transaction of business: Gary McCririe, Paulette Skolarus, Robin Hunt, Jean Ledford, Todd Smith, Jim Mortensen and Steve Wildman. In addition there were Township Manager Michael Archinal, Township Attorney Rick Heikkinen and approximately 30 persons in the audience.

A call to the public was made with no response.

Approval of Consent Agenda:

Moved by Smith, supported by Ledford, to approve all items listed on the Consent Agenda as submitted. The motion carried unanimously.

1. Payment of Bills.

2. Approval of Minutes: May 2, 2005.

Approval of Regular Agenda:

Moved by Ledford, supported by Smith, to approve the review of the Regular Agenda with individual action of the board on each item as requested. The motion carried unanimously.

3. Public Hearing on the Hidden Ponds sewer project for 2005.

Archinal advised the board and audience that the cost of the project is expected to be \$366,000.00. The township will provide funding for the 35 homes with an interest rate of 2% for 20 years. The township does not require the assessment to be paid off at the sale of the property and the loan can be assumed, but the township will not subordinate.

A. Call to property owners and the public.

A call to property owners and the public was made with one resident asking if all the easements had been obtained. McCririe – We are seeking the needed easements but will go forward with condemning the property if they cannot be obtained.

B. Request for approval of Resolution No. 5 (Confirming Special Assessment Roll).

Moved by Mortensen, supported by Hunt, to approve Resolution No. 5, correcting the number of installments to 20 at 2% per annum. The motion carried by roll call vote as follows: Ayes – Ledford, Smith, Hunt, Wildman, Mortensen, Skolarus and McCririe. Nays – None. Absent – None.

C. Request for approval of Resolution No. 6 (Authorizing Payment Out Of Sewer Fund and directing deposit of the special assessments into the sewer fund).

Moved by Skolarus, supported by Wildman, to approve Resolution No. 6 as submitted. The motion carried by roll call vote as follows: Ayes – Ledford, Smith, Hunt, Wildman, Mortensen, Skolarus and McCririe. Nays – None. Absent – None.

D. Request for approval of Resolution No. 7 (Consenting to County Drain Commissioner Relinquishment of Hidden Ponds Drain and assuming jurisdiction and control by Genoa Township).

Moved by Hunt, supported by Mortensen, to approve Resolution No. 7 as submitted. The motion carried by roll call vote as follows: Ayes – Ledford, Smith, Hunt, Wildman, Mortensen, Skolarus and McCririe. Nays – None. Absent – None.

4. Consideration of the initiation of a lawsuit against Home Depot for violation of the August 21, 2002 Circuit Court Agreement, as requested Ordinance Enforcement Officer Adam VanTassell.

VanTassell advised the board that the August 2002 agreement with Home Depot specifically dealt with violations for outdoor storage that occurred more than three times in three calendar years.

Moved by Mortensen, supported by Wildman, to have the Heikkinen, McCririe and Archinal review the violations with Home Depot council and their home office with

possible revocation of the Special Use Permit and a significant fine for future violations. The motion carried unanimously.

5. Request for approval of the impact assessment (02/23/05), corresponding to site plan (03/18/05) to construct a 15,654 sq. ft. office and warehouse building for Trends and Tile, located in Sec. 14 on the south side of Grand River Avenue between Dorr and Kellogg Road, petitioned by Lindhout Associates Architects as discussed by the Planning Commission 03/14/05.

Moved by Smith, supported by Skolarus, to approve the impact assessment for Trends and Tile contingent upon the following: Page 2 references an attachment, and that attachment shall be included. The hours and days of operation shall be added. The motion carried unanimously.

6. Request for approval of the impact assessment (04/06/05), corresponding to a sketch plan to install paving at 7281 W. Grand River, petitioned by St. Joseph Mercy Health and reviewed by the Planning Commission 04/25/05.

Mortensen asked to be excused from discussion since he sits on the Board of Trustees at the Health Center. Moved by Smith, supported by Skolarus, to excuse Mortensen as requested. The motion carried unanimously.

Moved by Ledford, supported by Hunt, to approve the impact assessment with the following conditions: The light poles and fixtures will match the existing ones. Item 9 of the Township Engineer's letter dated April 14, 2005 will be complied with. The motion carried with Mortensen abstaining.

7. Request for approval of the impact assessment (04/06/05), final PUD plan (04/06/05) and final PUD agreement (04/06/05) to construct a 14,490 sq. ft. retail store located at 2321 E. Grand River, petitioned by Walgreens, as discussed by the Planning Commission 04/25/05.

A. Disposition of PUD Agreement.

Moved by Ledford, supported by Skolarus, to approve the PUD Agreement with the following conditions:

1. The Township Attorney shall review the PUD agreement.
2. Cross access agreements will be obtained and recorded with the property owner to the east prior to the granting of a land use permit.
3. The petitioner will provide the Township with evidence that he has the right to access Maplecrest Drive and further agrees that Walgreens and its suppliers will not use Maplecrest Drive for through traffic.
4. Outdoor storage or sales is strictly prohibited.

The motion carried unanimously.

B. Disposition of Final PUD Plan.

Moved by Skolarus, supported by Ledford, to approve the PUD Plan contingent upon the following:

1. A Land Use Permit will not be issued until an executed Cross Easement Agreement is provided to the Township.
2. Cross access easements will be obtained and recorded with the property to the east prior to the granting of a land use permit.
3. The petitioner will provide the Township with evidence that he has the right to access Maplecrest Drive and further agrees that Walgreens and its suppliers will not use Maplecrest for through traffic.
4. The petitioner will resurface Maplecrest Drive west from the site entrance to Golf Club Road with approval from the private road owner(s).
5. No window signs are permitted.
6. All greenbelts will be irrigated.
7. The petitioner will arrange with the trash hauling company to pick up trash prior to the opening hours of the pharmacy.
8. Items 1, 4, 5, 6, 7, 8 and 9 of the Township Engineer's letter dated April 20, 2005 will be complied with.
9. The memo dated May 6, 2005 from Svetlana Vrubel will become an attachment to the final PUD Plan.

The motion carried unanimously.

C. Disposition of Impact Assessment.

Moved by Ledford, supported by Smith, to approve the impact assessment adding the following: Hours of operation will be 24 and there will be no outdoor storage or sales on the site. The motion carried unanimously.

8. Request for approval of the impact assessment (05/09/05), corresponding to site plan to construct a 30,000 sq. ft. private elementary school and daycare located in Sec. 23 at the northeast corner of Bauer Road and Challis Road, petitioned by Brighton Country Day Schoolhouse Facilities, LLC, as discussed by the Planning Commission 04/25/05.

Moved by Skolarus, supported by Ledford, to approve the impact assessment with the following conditions:

1. The petitioner will add additional brick to the southwest wall of the building with the total brick to be approximately 42% and the total EFIS to be 30% and will change the labels to reflect the additional brick.
2. The petitioner will have all entrance and exit points approved by the Livingston County Road Commission and Township Engineer and will attempt to develop a secondary emergency exit. While we don't require a new four-way intersection be constructed at the site entrance, we feel it would be a much safer access point until the improvements are made to the new Challis Road configuration.
3. The Planning Commission will allow the existing landscaping on the south property line to serve as the buffer and no additional landscaping is required.
4. The Petitioner will modify the existing light cut sheets to fully shield the lens.

5. The Planning Commission will allow a 1:3 slope in the vicinity east of the access drive and south of the school.
6. The Petitioner will file for application to have a flashing caution signal on Bauer Road that will help reduce traffic speeds.
7. Fire Marshall approval of the plan is required.
8. All rooftop equipment shall be shielded.
9. Parking, as displayed on the site, is adequate.
10. Most important, this approval is conditioned upon the Livingston County Road Commission and the petitioner reaching a written agreement concerning the road right-of-way and the relocation of the road before June 15, 2005.

The motion carried as follows: Ayes – Ledford, Smith, Wildman, Mortensen, Skolarus and McCririe. Nay – Hunt, Absent – None.

9. Request for approval of a rezoning application and environmental impact assessment (09/22/04) for 120 acres located in section 17, (11-17-400-013,014,015 and 11-17-200-002,006) on the west side of Nixon Road, just north of Crooked Lake Road, petitioned by FTAG Investments. The request is to rezone property from AG (Agricultural) and CE (Country Estates) to MDR (Medium Density Residential), as discussed by the Planning Commission 10/12/04.

The petitioner reiterated his presentation to the Planning Commission of 10/12/04. McCririe – The Genoa Township Planning Commission recommended denial of this request. The Livingston County Planning Commission recommended denial of this request. Reference is made to the Minutes of the Township Planning Commission where reasons for denial were given. The petitioner provided no new information this evening that would compel disagreement with the Township or County Planning Commissions. This petition does not meet the conditions of the Township Zoning Ordinance citing Section 22.04.

A. Disposition of rezoning request.

Moved by Skolarus, supported by Ledford, to deny the request for rezoning as submitted referencing the comments and reasons for denial as included in the Minutes of the Planning Commission and citing Section 22.04 of the Township Zoning Ordinance. The motion carried unanimously.

B. Disposition of impact assessment.

Moved by Ledford, supported by Skolarus, to deny approval of the impact assessment for the same reasons. The motion carried unanimously.

10. Request for approval of an amendment to the General Fund Budget for fiscal 2004/05 and discussion of the preliminary budget for fiscal 2005/06.

A. Disposition of amendment for fiscal 2004/05.

Moved by Ledford, supported by Mortensen, to approve the amendments for this fiscal years General Fund budget as requested. The motion carried unanimously.

B. Discussion of changes to the budget for fiscal 2005/06.

It was the consensus of the board that salaries for elected officials should stand. Further, that the township trustees would receive a \$25.00 increase for meeting fees, with the Zoning Board of Appeals and Planning Commission receiving a \$15.00 increase. This action will be formally adopted at the Public Hearing of the General Fund budget scheduled for June 20, 2005.

11. Request to consider financing options and water rate changes for the Oak Pointe water system.

Moved by Ledford, supported by Wildman, to adopt the rates and changes as recommended in the April 23, 2005 letter from Certified Public Accountants PHP for the Oak Pointe Water and Sewer District as follows:

Oak Pointe Water – Increase from \$1.64 to \$2.12 per 1,000 gallons.

Oak Pointe Sewer – Increase from \$4.18 to \$4.24 per 1,000 gallons.

Oak Pointe Sewer (Flat Rate) – Increase from \$79.00 per quarter to \$81.37.

The motion carried unanimously.

The regular meeting of the Genoa Township Board was adjourned at 9:15 p.m.



Paulette A. Skolarus
Genoa Township Clerk

(Press/Argus 05/25/05)