

[Type text]

## **CORRECTED**

### **GENOA CHARTER TOWNSHIP BOARD**

Regular Meeting

August 6, 2012

### **MINUTES**

Supervisor McCririe called the regular meeting of the Genoa Charter Township Board to order at 6:30 p.m. The Pledge of Allegiance was then said. The following persons were present constituting a quorum for the transaction of business: Gary McCririe, Paulette Skolarus, Robin Hunt, Steve Wildman, Jim Mortensen, Todd Smith and Jean Ledford. Also present were Township Manager Michael Archinal; Township Attorney Frank Mancuso and sixty persons in the audience.

McCririe – There are many people here from the Mystic Lake area. We have not scheduled a public hearing this evening but are willing to hear your concerns. The Township has not yet received any petitions from residents of Mystic Lake and the two adjoining subdivisions. A preliminary meeting has been scheduled for Sept. 19, 2012 at 6:30 p.m. at the township hall to discuss a possible special assessment district for the repaving of those subdivisions. Should homeowners be successful in acquiring the necessary number of signatures, two public hearings will be held and all residents within the district will be notified by mail. At that time homeowners may voice their objection to the project.

A Call to the Public was made with the following response: William Taylor – A twenty year bond would be favorable. This is not a radical change from what was done in the past and it might put people back to work.

Karen Johnson – I would like the names of homeowners involved with this petition. McCririe – We have not received any petitions at this time.

Barry Davis – Repaving will increase personal safety. It is unsafe to walk on Mountain Road. The value of our homes is going downhill and crime will come into our neighborhood.

Jim Mitte – I am concerned with funding. An assessment of \$2,000.00 annually would be a hardship. We should look to the county for funding. Mortensen - The National Petroleum Institute compared taxes across 50 states and Michigan is the 5<sup>th</sup> highest taxing state in the country. McCririe – The County will do the engineering for this project but we do not expect any financial contribution.

Phil Magee – The road should be done to County Specs and should be maintained. I don't want to have to pay for this new road. McCririe – The County takes care of our primary roads, however, their revenue is strictly from gas taxes and vehicle registration fees.

Floyd Oldford – Look into concrete. It is cheaper today than asphalt. McCririe – We will consider everything. The L.C.R.C. bids per ton of asphalt.

Karen Dempsey – Our road has been destroyed by people traveling into Hamburg. Prairie View, after just a few years, is being destroyed. They will add an additional 47 homes in Hamburg and they will use our streets. We have lost our privacy with people driving through. I disagree with paying for roads.

Scott Braver -We have road problems in the winter. Roads should be plowed before the snow is beaten down.

Kathy Reichart - The quality of the maintenance work is a problem. I am also concerned with the cut-thru traffic. Pot holes are not being fixed. Can our road be temporarily closed down? What about speed bumps? McCririe – For safety reasons, the fire department will not allow the closing of these roads. Prairie View asked for speed bumps. Sometimes they work and sometimes they don't. It is a road commission decision.

Resident - Does Genoa Township have anything to say about development in reference to Copperleaf? McCririe – Copperleaf was supposed to be a gated community. They chose to develop with private roads. Their access road was to a public road – e.g. Eggert. Every property must have access to a public road. A developer first brings their petition to the Planning commission and then to the township board for final approval. The township may set standards for development but they may not deny a petition if they meet the zoning requirements.

Rona Szydzik- I have an issue with financing and am against the project. Our roads are accessible. Washakie is already deteriorating. Copperleaf dumps their snow in my yard. Ice needs to be addressed. There is no stop sign coming out of Copperleaf.

Mark Javit – What is our recourse for getting regular maintenance? McCririe – Contact the Livingston County Road Commission. They are in charge of roads.

Gerald McNew – Why is the cost divided equally rather than on a front footage? McCririe – Act 188 allows for development with costs divided on a benefit basis. This is the act we are working with for most projects within the township.

Barry Davis – I have given up all hope of dealing with the L.C.R.C. The quality of their service is inadequate.

Phil Magee – Maybe we need a township wide millage. McCririe – One mill would generate about \$900,000.00 per year. The township actually collects less than that in your taxes. That one mill would not cover the cost of reconstructing just your sub.

The call to the public was closed at 7:50 p.m.

**Approval of Consent Agenda:**

Moved by Smith and supported by Wildman to approve all items listed under the consent agenda as presented. The motion carried unanimously.

**1. Payment of Bills.**

**2. Request to approve minutes: July 19, 2012.**

**Approval of Regular Agenda:**

Moved by Hunt and supported by Smith to approve for action all items petitioned under the regular agenda. The motion carried unanimously.

**3. Discussion and possible action regarding subdivision road improvement financing.**

Archinal - Over the last few weeks we have discussed two issues related to subdivision road improvement special assessments. The first is the Township Board policy of general fund participation when 66% of the affected properties sign a petition. The second is the issuance of debt to finance road projects.

On June 18<sup>th</sup> the Board took the following action: *The township subdivision road policy was reviewed with regard to the establishment of a special assessment district for Red Oaks. It was the consensus of the board to consider the petitions from Red Oaks at such time as 51% of the homeowners within the district sign the petition. No further action was taken by the board.*

As of this date we have received petitions in support of the Red Oaks subdivision road improvement meeting the, “greater than 50%” threshold. I would suggest that when petitions are circulated they must include a total project cost and a pro-rata cost. When we prepare the petitions we had to assume that the Township would assist in the funding. If someone signed the petition they are expecting Township participation. Generally when a subdivision reaches the necessary 50% + they gravitate towards the 66% threshold. This is somewhat intuitive. They want the Township’s money. In this case it is unlikely that the additional signatures will be forthcoming. One confounding issue is that a number of the properties are bank owned. If you apply the current policy you make everybody angry. The people who signed and expected Township participation are mad because the project is going to cost a lot more and the people who were opposed are angry because they didn’t want the project to begin with.

We have had several meetings with residents from Mystic Lake and Mountain subdivision with regard to road conditions. These roads are over 30 years old and design solutions are significant. The project includes 3.2 miles of road and a construction cost between \$960,000.00 and \$1,400,000.00. Given the scope of the Mystic and Red Oaks projects I am asking the board to consider the concept of going to the bond market to provide the up-front capital.

Mortensen - This is a big philosophical change for the township.

Skolarus - There is not another township in Livingston County that supports our residents with the reconstruction of our roads as we do in Genoa Township. The 25% of cost or \$1,000.00 per residence is unheard of. I do not want to place the township in debt for the next 20 years with regard to these projects. It is my suggestion that we pay the township portion up front as we have in the past.

McCrie - I would remind everyone that the Latson Road Interchange is costing the county multi-millions of dollars in support.

Archinal - the Township has issued debt for road improvements on at least two different occasions - Grand River Widening and Tri-Lakes Roads.

Ledford, Hunt, Wildman and Smith agreed with the comments.

It was the consensus of the board to receive petitions from Red Oaks of Chemung through a formal resolution and to allow township financial support of 25% toward the re-construction project as discussed with possible sale of bonds for repayment over 15 to 20 years. Further, a bond sale may include the Mystic Lake and Mountain Subdivisions should petitions be received with a formal request for the creation of a special assessment district. No formal action was taken by the board.

**4. Request for approval and adoption of Ordinance #Z-12-01 to amend the zoning map of Genoa Charter Township by rezoning property located at 7777 Bendix Road, Brighton (parcel 4711-13-200-012) from MDR (Medium Density Residential) to OSD (Office Service District) petitioned by Notable Realty.**

A call to the public was made with no response.

Moved by Smith and supported by Skolarus to approve the adoption of Ordinance #Z-12-01 as requested. The motion carried by roll call vote as follows: Ayes – Ledford, Smith, Hunt, Wildman, Mortensen, Skolarus and McCrie. Nays – None. Absent – None.

**5. Review of a site plan application, impact assessment and site plan for a proposed 5,000 sq. ft. office building located at 7777 Bendix, Brighton, Sec. 13, petitioned by Notable Realty.**

Moved by Skolarus and supported by Smith to approve the site plan with the following conditions:

1. the plans shall comply with the requirements of the Township Engineer prior to issuance of a Land Use Permit.
2. The County Road Commission and the Zoning Board of Appeals shall approve any fixtures located in the right-of-way.

3. The site shall conform to the Township lighting ordinance and 12’ tall fixtures are required rather than the proposed 20’ fixtures.

The motion carried unanimously

**6. Introduction of proposed amendment to the Township Litter Ordinance and request to set public hearing to consider adoption for the August 20th, 2012 regular meeting.**

Moved by Mortensen and supported by Smith to set a public hearing for Aug. 20, 2012 as requested. The motion carried unanimously.

**7. Consider approval of Resolution 120806A authorizing the Township Supervisor and Township Clerk to execute a quit claim deed for the conveyance of parcel number 11-09-100-037 to Michigan Department of Transportation for the construction of the Latson Road Interchange.**

Moved by Smith and supported by Wildman to approve resolution 120806A as requested. The motion carried unanimously.

**8. Consider approval of Resolution 120806B for the Township to enter into the proposed Water Tower Lease Agreement and Memorandum of Lease Agreement with New Par, d/b/a/ Verizon Wireless and to enter into the proposed Declaration of Easements and Maintenance Agreement with Villas of Oak Pointe Association in regards to installing cellular antennae, equipment shelter and related improvements at the Oak Pointe Water Tower.**

Moved by Mortensen and supported by Ledford to approve Resolution 120806B as requested. This action will generate \$9,600.00 annual income to the township. The motion carried unanimously.

**9. Request for approval of an entertainment permit in regards to a Class C liquor license located at 3949 E. Grand River Ave., Howell, MI requested by Applebee's Restaurants Mid-Atlantic, LLC.**

Moved by Smith and supported by Hunt to approve the entertainment permit for an existing Class C liquor License. After further discussion the motion was withdrawn and moved to table by Smith and supported by Ledford until a determination can be made as to whether Applebee's already has an existing liquor permit. The motion carried unanimously.

**Member Discussion:**

Smith – The Howell Parks and Recreation just received a \$20,000.00 grant for a cooperative senior project with Hartland.

The regular Meeting of the Genoa Charter Township Board was adjourned at 8:25 p.m.

Paulette A. Skolarus  
Genoa Township Clerk