

**GENOA CHARTER TOWNSHIP BOARD**  
**Regular Meeting and Public Hearing**  
**August 6, 2018**

**MINUTES**

Supervisor Rogers called the regular meeting of the Genoa Charter Township Board to order at 6:30 p.m., with the Pledge of Allegiance. The following members were present constituting a quorum for the transaction of business: Bill Rogers, Paulette Skolarus, Robin Hunt, Jim Mortensen, Terry Croft, Diana Lowe and Jean Ledford. Also present were Township Manager, Michael Archinal; Township Attorney, Joe Seward; and approximately twelve persons in the audience.

A Call to the Public was made with no response.

**Approval of Consent Agenda:**

Moved by Lowe and supported by Mortensen to approve all items under the Consent Agenda with the exception of the Minutes from July 16, 2018, moving that request to the Regular Agenda for review. The motion carried unanimously.

**1. Payment of Bills.**

**3. Request to amend the 2018 Grand River Sidewalk Project by \$8,000 to include a pedestrian signal at Hughes Road.**

**4. Request for approval of the purchase of aluminum boardwalk material from CMI Inc. in the amount of \$147,860 for the 2018 Grand River Sidewalk Project.**

**5. Request approval for the following sewer and rate adjustments to become effective September 1, 2018 at the request of Utility Director Greg Tatara:**

- **Increase the Lake Edgewood Conference Center Quarterly Water fee from \$4.14 per 1,000 gallons to \$4.28 per 1,000 gallons**
- **Increase the Lake Edgewood Other Quarterly Water fee from \$3.97 per 1,000 gallons to \$4.10 per 1,000 gallons**
- **Increase the Pine Creek quarterly water fee from \$3.62 per 1,000 gallons to \$3.74 per 1,000 gallons and increase the Quarterly Sewer Fee from \$4.24 per 1,000 gallons to \$4.50 per 1,000 gallons**
- **Hold the applicable Brighton City Water Connection Fee at \$2,852 per REU and the sewer connection fee at \$7, 248 per REU**

**Approval of Regular Agenda:**

Moved by Ledford and supported by Croft to approve for action all items listed under the Regular Agenda with the addition of the Minutes of July 16, 2018. The motion carried unanimously.

**2. Request to Approve Minutes: July 16, 2018**

Moved by Lowe and supported by Mortensen to approve the Minutes correcting the numbering sequence of the action and removing repetitive words “moved by” and “due to”. The motion carried unanimously.

**6. Request for approval of Resolution No. 3, approving the project, cost estimates, special assessment district, and causing the special assessment roll to be prepared for Novel Estates Road Improvement Project.**

A Call to the Public was made with no response.

**B. Disposition of Resolution No. 3**

Moved by Mortensen and supported by Hunt to approve Resolution No. 3, correcting the 4<sup>th</sup> whereas to read “Novel” instead of “Timberview” for the Novel Estates Road Improvement Project. The motion carried by roll call vote as follows: Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None. Absent – None.

**7. Request for approval of Resolution No. 4, acknowledging the filing of the special assessment roll, scheduling the second hearing, and directing the issuance of statutory notices for Novel Estates Road Improvement Project.**

Moved by Ledford and supported by Skolarus to approve Resolution No. 4 for the Novel Estates Road Improvement Project. The motion carried by roll call vote as follows: Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None. Absent – None.

**8. Request for approval of Resolution No. 3, approving the project, cost estimates, special assessment district, and causing the special assessment roll to be prepared for Earl Lake Road Improvement Project.**

A Call to the Public was made with the following response: Jennifer Moore - There are six lots within the subdivision that are not included. Archinal – Every property shown on the map is included. If individual lots are not included they have probably been combined with another parcel. Properties in this district must access the road being improved. Under Act 188 all parcels are assessed under a benefit provision. Archinal provided maps of the district. Lori Hieber – Will our streets be plowed by the county once this road is improved? We have gravel driveways and how far back will our driveway be black-topped? Archinal – I will check with the Livingston county Road Commission regarding snow plowing. Driveway aprons are usually carried 10’ from the road edge.

**B. Disposition of Resolution No. 3**

Moved by Hunt and supported by Mortensen to approve Resolution No. 3 for the Earl Lake Road Improvement Project. The motion carried by roll call vote as follows: Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None. Absent – None.

**9. Request for approval of Resolution No. 4, acknowledging the filing of the special assessment roll, scheduling the second hearing, and directing the issuance of statutory notices for Earl Lake Road Improvement Project.**

Moved by Lowe and supported by Croft to approve Resolution No. 4 for the Earl Lake Road Improvement Project. The motion carried by roll call vote as follows: Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None. Absent – None.

**10. Request for approval of Resolution No. 3, approving the project, cost estimates, special assessment district, and causing the special assessment roll to be prepared for Fendt Drive Road Improvement Project.**

A Call to the Public was made with no response.

**B. Disposition of Resolution No. 3**

Skolarus advised the board that the mailing to ITC was returned as undeliverable. Contact was made with Gary Kirsch of ITC Holdings and he voiced no objection to the project. Moved by Ledford and supported by Croft to approve Resolution No. 3 for the Fendt Drive Road Improvement Project. The motion carried by roll call vote as follows: Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None. Absent – None.

**11. Request for approval of Resolution No. 4, acknowledging the filing of the special assessment roll, scheduling the second hearing, and directing the issuance of statutory notices for Fendt Drive Road Improvement Project.**

Moved by Ledford and supported by Mortensen to approve Resolution No. 4 for the Fendt Drive Road Improvement Project. The motion carried by roll call vote as follows: Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None. Absent – None.

**12. Request for approval of an amendment to Fund 261 (Future Roads) as submitted by Skolarus.**

Moved by Lowe and supported by Mortensen to approve the amendment to Fund 261 as requested. The motion carried unanimously.

**13. Request for approval of an amendment to Fund 264 (Roads and Lakes Special Assessment Districts and Projects) as submitted by Skolarus.**

Moved by Ledford and supported by Hunt to approve the Amendment to Fund 264 as requested. The motion carried unanimously.

**14. Request to enter into a closed session to consider material exempt from discussion or disclosure by state or federal statute, M.C.L. 15.268(h), Township attorney's letter dated July 19, 2018 as well as to consult with the Township attorney regarding settlement strategy in pending litigation, Livingston County Circuit Court Action No. 12-027123-CZ, M.C.L. 15.268(e).**

Moved by Ledford and supported by Lowe to enter into closed session at 6:55 p.m. The motion carried by roll call vote as follows: Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None. Absent – None.

Moved by Lowe and supported by Hunt to return to Open Session at 7:37 p.m.

**15. Request for approval of a proposal from Tetra Tech for \$86,545.00 for the installation of three monitoring wells in Section 32 related to Oak Pointe Sewer.**

Moved by Hunt and supported by Ledford to approve the proposal for up to \$86,545.00 to analyze and define the geologic strata that may further the area of concern with regard to the chloride/salt plume that may impact residential wells in the future. The motion carried unanimously.

**16. Consideration of a request for approval of a rezoning (Ordinance Z-18-03) involving 74.8 acres of land located on the east side of Chilson Road, south of Brighton Road along the Township boundary with Hamburg Township on parcels 11-33-400-003 and 11-34-300-005. The application is petitioned by Chestnut Development LLC. and the requested rezoning is from Agricultural (AG) to Low Density Residential (LDR).**

Moved by Hunt and supported by Skolarus to approve and adopt the Ordinance No. Z-18-03. The proposed amendment to the Zoning Map is consistent with Section 22.04 of the Township Zoning Ordinance. The motion carried by roll call vote as follows: Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None. Absent – None.

The motion carried unanimously.

**17. Consideration of a request for approval of a site plan and impact assessment requesting preliminary site condominium approval for a proposed 25 unit site condominium. The property in question is located on approximately 74.8 acres involving parcels 11-33-400-003 and 11-34-300-005 on the east side of Chilson Road, south of Brighton Road along the southern Township boundary with Hamburg Township. The request is petitioned by Chestnut Development LLC.**

**A. Disposition of Environmental Impact Assessment (6/19/18)**

Moved by Lowe and supported by Hunt to approve the impact assessment dated June 19, 2018, subject to the following: Reference to the sodium chloride groundwater concern as well as description of the planned mitigation measures shall be added to the impact assessment for the final condominium site plan review process. The motion carried unanimously.

**B. Disposition of Preliminary Site Plan (7/27/18)**

Moved by Skolarus and supported by Lowe to approve the preliminary site plan dated June 27, 2018 with the following conditions:

- 1.) The line indicating the edge of the regulated wetland surrounding the pond on lot 25 will be added back to the plan.
- 2.) The applicant shall describe why the access road around the north side of the pond was removed from the plans upon submittal for final site condominium approval.
- 3.) In regard to the wetlands on site, the applicant shall comply with all requirements and procedures of Article 13 which shall include but is not limited to the following:
  - a. Variances or special use permits for impacts on the natural features setback as applicable.
  - b. Judicious effort shall be made through final site condo design to preserve the non-MDEQ regulated wetland. Use of non-MDEQ regulated wetlands as detention or retention ponds may be allowed, following review of such plans by the Township Engineer.
  - c. The applicant shall ensure that homes and appurtenances adjacent to the natural features setback can be constructed without impact to the setback.
- 4.) The applicant shall obtain all other governmental regulatory approvals, including water quality from the Livingston County Health Department and wetland permits from the Department of Environmental Quality.

- 5.) In regard to the groundwater concerns the applicant shall provide access easements for well installation, water testing and sampling by the Township.
- 6.) The Township Attorney shall approve the Master Deed, Bylaws, and covenants covering maintenance including, but not limited to:
  - a. Rights for Township inspection of wells;
  - b. Maintenance agreements of common areas;
  - c. Protection of the required natural features setback areas as well as wetland protection measures for both the regulated and non-regulated wetlands;
  - d. Private Road Maintenance Agreement, which includes the financial and maintenance assurances;
  - e. Education of the property owners on the potential harm of using salt on paved areas.
- 7.) All requirements of Tetra Tech’s letter dated June 26, 2018 shall be met.
- 8.) All requirements of the Brighton Area Fire Authority’s letter dated June 22, 2018 shall be met.

9.) The applicant will work with the Township Attorney and Township Manager to resolve outstanding court order issues prior to final site plan approval. The motion carried unanimously.

**18. Request to authorize the Township Attorney to proceed with litigation against Healy Homes related to required improvements at the intersection of Lawson Drive and Grand River Avenue.**

Moved by Mortensen and supported by Croft to direct the Township Attorney to pursue legal action against Jack Healy, Western Surety and Healy Homes. The motion carried unanimously.

**Member Discussion**

Rogers – GFL will continue to provide service to the Township @ \$12.30 per residential parcel. New carts will be delivered the week of Oct. 22<sup>nd</sup>. Old carts will begin to be collected the following week.

Croft provided a copy of the SEMCOG new bulletin.

The regular meeting and public hearing of the board was adjourned at 8:15 p.m.

Paulette A. Skolarus, Clerk  
Genoa Charter Township Board