

GENOA CHARTER TOWNSHIP BOARD
Regular Meeting/Public Hearing – Virtual
May 3, 2021

Rogers - Due to Michigan Department of Health and Human Services requirements and by local declaration of emergency, this meeting will be held virtually. The public may participate in the meeting/public hearing through Zoom access by computer and smart phone. A link will be posted at genoa.org. Please email info@genoa.org or call (810) 227-5225 if you have questions.

MINUTES

Supervisor Rogers called the Regular Meeting of the Genoa Charter Township Board to order at 6:30 p.m. at the Township Hall with the Pledge of Allegiance. The following members were present constituting a quorum for the transaction of business: Bill Rogers, Paulette Skolarus, Robin Hunt, Jean Ledford, Terry Croft, Jim Mortensen and Diana Lowe. At a roll call meeting of the board all members were present and attending the meeting from either their home or the Township Hall in Genoa Township. Also present were Township Manager Michael Archinal; Township Attorney Joe Seward and no persons in the audience as the meeting was virtual.

A Call to the Public was made with the following response: Kelly who lives across from the Caldean Camp asked that the meeting be started with a prayer. This project is a wonderful blessing to our community and I support it.

Consent Agenda:

Moved by Ledford and supported by Hunt to approve the Payment of bills and move approval of the Minutes to the bottom of the agenda to be discussed with item 12. The motion carried unanimously.

1. Payment of Bills: April 5, 2021, April 19, 2021 and May 3, 2021

Regular Agenda:

Skolarus asked for an amendment to item 6 on the regular agenda adding the provision that the clerk will pay the attorney fee out of pocket. If it is determined that she is not guilty or that the charges are dismissed, the board will consider reimbursement of attorney fees - up to \$5,000.00.

Moved by Lowe and supported by Ledford to approve for action all items listed under the regular agenda as amended. The motion carried unanimously.

3. Request from the Township Supervisor for Resolution 210503A declaring a State of Emergency in Genoa Charter Township to allow virtual meetings to comply with the Open Meetings Act.

Moved by Mortensen and supported by Lowe to approve Resolution 210503A as requested. The motion carried by roll call vote as follows: Ayes – Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None.

Note: On April 29, 2021 Supervisor Bill Rogers signed a declaration authorizing Supervisor Bill Rogers of Genoa Charter Township to declare a local state of emergency so that the Township would be able to continue government and business operations safely and without posing a danger to the public or Township officials. The emergency declaration is in effect from April 29, 2021 to May 5, 2021.

4. Request for approval of an Engineering Design Proposal from Tetra Tech for road and storm sewer improvements on Kellogg Road in the amount of \$22,000.

Moved by Lowe and supported by Mortensen to approve the engineering design at a cost of \$22,000.00 as requested. The motion carried unanimously.

5. Request for approval of an Engineering Design Proposal from Tetra Tech for the installation of a turn lane at the Township Hall in the amount of \$4,000.

Moved by Skolarus and supported by Ledford to approve the engineering design at a cost of \$4,000.00 as requested. The motion carried unanimously.

6. Request for approval to allow for payment for the criminal defense of the Clerk with regard to Livingston County Board of Canvassers review of Absent Voter Counting Board No. 2 on Nov. 9, 2020 with the provision that the clerk will pay the fee out of pocket and if it is determined that she is not guilty or that the charges are dismissed, the board will consider reimbursement of the \$5,000.00 attorney fee.

Moved by Mortensen and supported by Lowe to approve the attorney fees for the criminal defense of the Clerk with regard to the Livingston County Board of Canvassers review of the Absent Voter Counting Board No. 2 on Nov. 9, 2020. The motion failed as follows: Ayes Mortensen and Lowe. Nays – Hunt, Ledford, Croft, and Rogers. Abstain - Skolarus

Skolarus asked that the second request be considered. Moved by Hunt and supported by Ledford to table the request until after the court hearing is completed. The motion carried with Skolarus abstaining.

7. Consideration of a special use application, environmental impact assessment and site plan for a proposed 6,090 sq. ft. church with accessory outdoor uses including Grotto and Stations of the Cross. The property in question is located at 3280 Chilson Road on the west side of Chilson Road, south of Crooked Lake Road. The request is petitioned by Catholic Healthcare International.

Scott Tousignant of Boss Engineering presented the request to the board on behalf of Catholic Healthcare International for the Padre Pio Chapel, Outdoor Grotto and Prayer Site. He re-iterated the presentation from the previous Planning Commission meetings including related documents. Catholic Healthcare International will not be a home for the Brain injured on Chilson Road Prayer Campus; a hospital will not be on the Chilson Road Prayer Campus; a Medical School will not be on Chilson Road Prayer Campus; and clinics and foundation will not be located on Chilson Road Prayer Campus.

Architect Mary Swanson stated that this was a spiritual journey. We have no hidden agenda. Just turn the Church down if we are not good neighbors.

Justin Sprague – My consulting firm has been retained by Chilson Road neighboring residents. My comments are a second review of the petition. *Reference is made to CIB Community Image Builders’ letter of April 5, 2021.* His last paragraph asks that if the Special Land Use is approved that all parking be contained on-site, improved surfaces and that off-site parking and shuttling be strictly prohibited as the use of shuttles and busses would create a significant impact to the area as well as Chilson Road.

Hunt – Your website still states that the proposal will include a hospital, home for the brain injured, school and clinics. This is a wonderful project but this is completely wrong for this area and not a good fit. Lowe – I agree it does not fit here.

Mortensen – This request is compatible with the area and was approved by the Planning Commission. Churches are a special use in every residential district. A church bell is exempt from our sound ordinance.

Ledford – I object to the location chosen which is situated on county estate zoning and that it violates our master plan and zoning ordinance.

Skolarus – If a person owns property and wants to develop their property and they are within the township ordinance, with the exception of a needed special use permit (for a church), I think it is a reasonable request. I do not think that Grand River is a great spot to put this kind of facility. Churches have been before this board before and they may sue us if denied. The cost to the township could be as much as \$200,00.00 from the General Fund. Denying a use on a 40-acre site for a small

chapel that is the same size as some homes in Genoa Township seems unreasonable.

Mortensen – The other thing I would mention is it will be 600' from Chilson Road – the size of two football fields.

Ledford – Turning right into the property is no problem but turning left requires a left turning lane to eliminate traffic backup – Mortensen – The County has signed off on the entrance and exit and would require a slow-down lane until it expands beyond what it is being asked.

Skolarus – Mr. Spragues letter stated that all parking will be contained on the site and all parking and shuttling will be strictly prohibited. I do like that comment and think if we move forward with approval that clause should be included in our motion.

A call to the public was made with the following response:

Kathy Marshall - 5574 Richardson is in support of the chapel. She does not believe it will be too loud as masses are quiet even if they are every day. An event should not be any worse than a graduation party. Visited Holy Spirit in Fenton and listened as a sample of the noise. It was very quiet.

April Czerniawski - 3242 Waverly Woods Lane does not support the Chapel due to the increase in traffic and they moved to the country to be in a rural area but the Chapel does not belong.

Michael Williams - 3654 Westphal Road was born and raised Catholic. He did not like the open-ended answers from the church. It is like politics. He also does not want the noise or the traffic. The church should sell this property and move to a different area.

Matthew Betz - 4670 Pine Eagles Drive supports the church in the proposed area. This project will benefit the community better rather than having something worse in that location. What may happen is irrelevant. He would like the space to pray.

Steve Gronow - 3800 Chilson Road is the first neighbor south. He believes this is a good use of the land, permanent open space and a serene setting. A large church could go in with a large parking lot and the plans for the Chapel, Grotto and Prayer Stations are better as they are on a smaller scale.

Linda Holland - 3023 Pardee Road is Catholic and objects to the project location. She believes it will be a large pilgrimage site.

Kathy Johnson - 3352 Brighton Road likes the idea of the chapel but does not want it in that location. This is not about religion. It will draw people as it is intended and traffic will be impacted. Does not approve.

Patrick Powers -1018 Kellogg Road approves the plan as only two roads are affected. Would like a quiet place for people to pray. Exiting left may be a problem.

Marty Tompkins supports the project as it will only be 60-80 people. Does not know a project that affects the land less. Do not make a decision based on fear. Instead make it on facts.

John Rocus Pastor of Holy Spirit in Brighton believes anytime there is a project in their area/life people become fearful. His prayers have been answered regarding this prayer site. Danny Thomas St. Jude reference Tennessee. Approves project.

Lisa Spitler – 1024 W. Main Street – She did not get a choice whether Brighton Main Street built restaurants and anything there now. The board is being gracious to hear out the community prior to making the decision. She approves the project as without progress we do not move forward.

Bill Galvin – 4037 Chilson Road thinks people would want this spiritual opportunity in the community but not the current location. Also, look at the zoning standards.

Lexie Jones – 3553 Westphal Road believes there is missing information as the flyers say one thing and the presentation says differently. Lack of clarity and sound will also be a problem.

Jake Vogan – 5790 Pinckney Road does want this business in a residential area as it is for the people. They want to encourage people to come and pray. He does not believe due to the size, they will expand. The community is confused and do not believe the project specifications.

John Wallbank – 2899 Pardee Road objects to the project. Not a good area.

Deborah Jones – 3553 Westphal Road (see above Lexie Jones-same household) is against zoning. There may be people parking along the side of the road. Two hundred thousand pilgrims in one year, what will this cost our rural community.

Lee Wolney – 3591 Westphal Road is opposed to the project. She would like to see the lighting plan. She believes it will be a large pilgrimage site and does not want that. Wants to keep the area country and have a light study done.

Vince Parlove – 4284 Highcrest Drive supports idea but thinks it is wrong for the location. He also does not believe the master plan allows for this.

Deborah Beattie – 3109 Pineview Trail does not support the project where they want to build it. It will increase traffic, noise, and strangers. Also, the master plan does not support this project.

Melanie Johnson – 3990 Chilson Road opposes the location. Also, she believes this project does not meet the needs of the master plan – A grotto is not a sign.

Cynthia Telep – 3175 Crooked Lake Road opposes the location and look at the master plan. Believes Polly's comment on suing was inappropriate.

Shawn Nester – 3360 Chilson Road does not support the project. He believes it will have a negative impact on the surrounding area. His property is adjacent.

Duane Johnson - 3990 Chilson Road is opposed to the location. The traffic will be a problem as it will increase. It is a popular location.

Rory Clark – 5468 E. Grand River is in favor of the Special Use Permit. Does it comply with Special Permit requirements?

Elaine Samson – 6280 Sundance Trail would like to see a traffic study. She is opposed to the hospital and school.

Michael Williams (wife) - 3654 Westphal Road (2nd Call from household) people in the community do not want this chapel in the proposed location. Sixteen people opposed. She is opposed.

Patrick Powers -1018 Kellogg Road (2nd Call) rural area is not a problem as the project is surrounded by a natural area. Give the land back to God. He approves.

Nancy Duey – 3559 Kipling Circle supports the project. She works at St. Pat's and people are misinformed about the project. The impact in the area will be minimal.

Lorraine Crawford – 2564 Ravine supports the project. The board has integrity.

Michael Williams - 3654 Westphal Road – third attempt, no response as board did not take this call.

Note: Correspondence was also received from Kim Lamb of Genoa Township who expressed her support of the project. This email was received on the morning of the meeting but was not included in the board packet of correspondence.

A. Disposition of Special Use Application

Moved by Hunt and supported by Croft to deny the request as provided by Section 19.02.04(f)(5) for a 6,090 square foot Catholic Healthcare International Church and related outdoor accessory uses and structures located at 3280 Chilson Road, Howell. This action is based upon the finding that the proposed use is inconsistent with the standards of Section 19.03.01, 19.03.02, 19.03.04, and 19.03.05 of the Township Zoning Ordinance and specifically finds that:

1. The proposed use involving a 95 seat, 6,090 square foot church with associated parking lot, site lighting, building lighting, and outdoor accessory structures and uses that is planned for daily gatherings and outdoor special events with an unknown number of visitors is not consistent with the following goals, objectives and policies of the Master Plan:
 - a. The use does not “Promote harmonious and organized development consistent with adjacent land uses”;
 - b. The proposed use is located within the rural reserve area outside of the growth boundary and is contrary to the purpose of the rural reserve area which is an area that is to be “maintained at a relatively low intensity rural character of development, typically more than 2 acres per dwelling unit, that will not adversely impact natural features and agricultural uses”;
 - c. The proposed use is not consistent with the following description of the Agricultural/Country Estate planned areas: “These areas shall remain in agricultural use, or develop as single family residential on estate lots. Many of the areas are prime farmland or have significant natural limitations such as wetlands or severe soil limitations. As these areas are not planned for sanitary sewer, they can only support low density residential development. This classification is recommended for single family residences on lots no smaller than 5 acres.”
2. The proposed use involving a 95 seat, 6,090 square foot church with associated parking lot, site lighting, building lighting, and outdoor accessory structures and uses that is planned for daily gatherings, and outdoor special events with an unknown number of visitors is in direct contrast with all aspects of the statement of purpose for the Country Estate zoning district which states that “The Country Estate (CE) District is established as a district where the principal use is residential, with smaller scale farming and raising of horses and livestock typically an accessory use. The health, safety and welfare contribution of this district is to retain the rural atmosphere and quality of life while accommodating compatible, very low density, residential development”.
3. The amount of traffic, visitors, lighting, noise, and activity associated with the use is not compatible with and will significantly alter the existing and intended character of the general vicinity. Events previously held at the site were described as having heavy traffic with cars parked on the roadway causing hazardous conditions.

4. The impacts of the proposed use and activities will be detrimental to the natural environment, public health, safety or welfare by reason of excessive production of traffic, noise, lighting or other such nuisance.

The motion carried by roll call vote as follows: Ayes – Ledford, Croft, Hunt, Lowe, and Rogers. Nays – Mortensen and Skolarus.

B. Disposition of Environmental Impact Assessment (2-16-21)

Moved by Hunt and supported by Croft to deny the Environmental Impact Assessment dated February 16, 2021 due to non-compliance with the standards of Section 18.08 and more specifically sections 18.08.02, 18.08.10, and 18.08.11 as follows:

1. The proposed use involving a 95 seat, 6,090 square foot church with associated parking lot, site lighting, building lighting, and outdoor accessory structures and uses that is planned for daily gatherings, and outdoor special events with an unknown number of visitors is not harmonious with, and will be harmful, injurious, or objectionable to, existing and planned future uses in the immediate area. The proposed development is not coordinated with other developments in the vicinity.
2. The traffic impact analysis did not consider the trips associated with the outdoor site features or the planned special events and is therefore lacking information to determine if impacts are properly mitigated and it cannot be determined that safe, convenient, uncongested, and well defined vehicular and pedestrian circulation is provided within and accessing the site.
3. Without knowing the full scope of the traffic impacts, it is unclear if access to the site is designed to minimize conflicts between vehicles and with traffic using adjacent streets and driveways.

The motion carried by roll call vote as follows: Ayes – Ledford, Croft, Hunt, Lowe and Rogers. Nays – Mortensen and Skolarus.

C. Disposition of Site Plan (3-25-21)

Moved by Hunt and supported by Lowe to deny the Site Plan dated March 25, 2021 due to non-compliance with the standards of Section 18.08 and more specifically sections 18.08.02, 18.08.10, and 18.08.11 as follows:

1. The proposed use involving a 95 seat, 6,090 square foot church with associated parking lot, site lighting, building lighting, and outdoor accessory structures and uses that is planned for daily gatherings, and outdoor special events with an unknown number of visitors is not harmonious with, and will be harmful, injurious, or objectionable to, existing and planned future uses in the immediate area. The proposed development is not coordinated with other developments in the vicinity.

2. The traffic impact analysis did not consider the trips associated with the outdoor site features or the planned special events and is therefore lacking information to determine if impacts are properly mitigated and it cannot be determined that safe, convenient, uncongested, and well defined vehicular and pedestrian circulation is provided within and accessing the site.
3. Without knowing the full scope of the traffic impacts, it is unclear if access to the site is designed to minimize conflicts between vehicles and with traffic using adjacent streets and driveways.

The motion carried by roll call vote as follows: Ayes – Hunt, Ledford, Croft and Rogers. Nays – Mortensen and Skolarus.

8. Consideration of Resolution 210503B supporting and authorizing the 2021 Michigan Natural Resources Trust Fund Acquisition Grant application for the project entitled “Genoa Township Park Expansion” for acquisition of land adjacent to the existing Township Park consisting of approximately 90 acres of property (parcel ID#s 4711-14-300-018, 4711-14-400-006 and 4711-23-100-001) located along the north and south sides of Crooked Lake Road, south/southwest of I-96, east of Dorr Road, and north of Challis Road. (Roll Call Vote)

Moved by Lowe and supported by Skolarus to approve Resolution 210503B as requested. The motion carried by roll call vote as follows: Ayes – Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None.

9. Consideration of Resolution 210503C to endorse the application of Sun Sylvan Glen LLC to continue the operation, maintenance, and administrative responsibilities for the drinking water system at Sylvan Glen Estates. (Roll Call Vote)

Moved by Ledford and supported by Croft to approve Resolution 210503C as requested. The motion carried by roll call vote as follows: Ayes – Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None.

10. Request for approval of a preliminary condominium site plan extension for Pine Summit.

Moved by Mortensen and supported by Hunt to approve the extension for Pine Summit as requested. The motion carried by roll call vote as follows: Ayes – Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None.

11. Request to approve the Assessor’s affidavit of the 2021 millage levies for the Township establishing the millage rate at 0.7855. (Roll Call Vote)

Moved by Ledford and supported by Lowe to approve Resolution 210503D an affidavit of the 2021 millage levies for Genoa Township establishing the millage at 0.7855 as requested. The motion carried by roll call vote as follows: Ayes – Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None.

12. Discussion regarding Township Board Minutes and online posting procedures as requested by Township Treasurer, Robin Hunt.

Hunt – The on-line Minutes have been corrected but not tonight’s board packet.
Skolarus – All minutes will be marked “draft” until approved.

2. Request to Approve Minutes: March 15, 2021, March 29, 2021, April 5, 2021 and April 19, 2021.

Moved by Lowe and supported by Hunt to approve all minutes as corrected, including the spelling of Jim Mortensen. The motion carried unanimously.

Correspondence:

Archinal – A resident of Mountain Road has expressed concern with the disintegration of their 40-year old road. We have already asked our residents for a road millage. It would be unfair to those who have already created special assessment districts for this purpose.

Member Discussion:

Archinal – Golf Club (between Hughes and Hacker) is in tough shape. I talked with the LCRC and they will speak with Ocala about a participation in a joint project. The Senior Survivor Project raised over \$220,000.00 for their concept plan for an accessible playground at the Genoa Park.

Rogers - Congratulations go out to Terry Croft for another board appointment with SEMCOG.

Moved by Lowe and supported by Hunt to adjourn the regular and public hearing of the board at 9:50 p.m.

Note: Assistance with the Minutes was provided by Denise Schniers.

Paulette A. Skolarus, Clerk
Genoa Charter Township Board

Bill Rogers, Supervisor
Genoa Charter Township Board

CLERK’S CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the Township, hereby certifies that (1) the foregoing is a true and complete copy of the May 3, 2021 minutes and resolution duly adopted by the Township Board at a meeting of the Genoa Charter Township Board, at which meeting a quorum was present and remained throughout; (2) the original thereof is on file in the records in my office; (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended); and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

Paulette A. Skolarus, Clerk
Genoa Charter Township

Date: May 3, 2021 _____

(Word/clerks certification)