

GENOA CHARTER TOWNSHIP BOARD

Regular Meeting

October 4, 2021

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. Also present were Township Manager Michael Archinal; Township Attorney Joe Seward; Assistant Manager Kelly VanMarter and 13 persons in the audience.

A Call to the Public was made with no response.

Consent Agenda:

Moved by Mortensen and supported by Lowe to approve the payment of bills and move the Minutes to the Regular Agenda for approval. The motion carried unanimously.

1. Payment of Bills: October 4, 2021

Regular Agenda:

Moved by Lowe and supported by Ledford to approve for action all items listed under the Regular Agenda with the addition of the Minutes from Sept. 20, 2021 and the addition of the presentation by Ken Palka as Item 4. Presentation of the Audit Report for the fiscal year ending March 31, 2021 by Ken Palka of Pfeffer, Hanniford and Palka Certified Public Accountants, and with a re-numbering of the Agenda items and deleting the names of Don Root, Judge Daniel Band and Undersheriff Jeff Warder from the presentation with regard to the Big Red Barrel, reverting to the language used in the original Agenda of the board. The motion carried unanimously.

2. Request to Approve Minutes: September 20, 2021

Moved by Mortensen and supported by Hunt to correct the spelling of his name and that it was his granddaughter that he introduced as U.S. Army Judge Advocate. The motion carried unanimously.

3. Presentation by Don Root regarding the Big Red Barrel.

Don Root addressed the board and thanked them for their partnership with the Big Red Barrel. He introduced Judge Daniel Bain who gave a personal encounter with a neighbor who started on prescription drugs. The young woman was a valedictorian of her class and a very good young lady. She was on a full ride academic scholarship and she started out on prescription drugs and then turned to heroin. Prescription drugs and Heroin are a big problem in Livingston County.

Don Root introduced Joe Carney who first brought the Big Red Barrel program to Livingston County in conjunction with Undersheriff Murphy in May of 2011. Since then 40,000 pounds of pills have been collected and taken off the street as a result of Mr. Carney's effort. Heroin is now

less expensive than prescription drugs so kids are turning to heroin. There are 75 locations around the state where prescription drugs can be returned for destruction. Education is vital to the community. In January 2019 the Genoa Township office collected 64# of drugs and in April of that same year the Genoa Township office collected 86# of pills and 90# of sharps. This was our biggest collection ever. The last collection on Sept. 28, we collected 1# of pills and 5# of sharps. We need to do better. We need to keep educating the community. The Township newsletter is more important than ever. The Big Red Barrel will help with this expense. We can provide a permanent barrel during business hours at the township if you choose. It would be bolted to the ground and no one could remove anything from this barrel. We would like to permanently get that Big Red Barrel here.

Undersheriff Jeff Warder was then introduced. Warder – Thank you for your partnership of many years. 5,500# to 6,000# are collected on a yearly basis with your help. I applaud this board. Please continue the program. In 2019 there were 52 overdoses of prescription drugs and 22 opioid overdoses. In 2020 there were 318 overdoses and 21 fatalities. As of August 2021 there were 206 overdoses and 15 fatalities. The problem is getting worse and is very serious. This is an awesome program and we can't do this alone. We need your partnership.

Bill Rogers – I apologize for all of you having to take the time out though I appreciate it. This conversation and just like things start to move down the road was a simple question on my part to reach out to Don, find out if after the last couple rounds, is it worth it. It was not to close anything down but to make sure that you were still comfortable. I wanted clarity with you that it was a viable option for you. Don Root – On behalf of the Big Red Barrel, just being here and educating the public is worth our time. Rogers - getting the word out there on our website and contacting WHMI to put it on their calendar is important. I appreciate that people say use your tax bills. We find that the newsletters are still folded up inside so residents are not using it. Don - Even if no pills are brought in we are educating our residents and making them aware by coming here this evening and asking to continue with using your office.

Hunt – On that note, I questioned it too – that the numbers were down. I do appreciate the program and you guys are doing a wonderful job and I think the key is getting the word out there. We have some very high traffic days here and I am wondering if you guys have signs to put out for those dates. Tax-day is Sept. 14th in addition there are soccer games, we can use our face book page, and twitter feed. There are thousands of people here at the township and those times would be perfect. We can get that information out for you and your signs would be great.

4. Presentation of the Audit Report for the fiscal year ending March 31, 2021 by Ken Palka of Pfeffer, Hanniford and Palka Certified Public Accountants.

Palka – The Township is in good financial condition. If there are no question I would like a motion of the board to receive the report. *Note – Mr. Palka reviewed the audit with each member of the board prior to this meeting.*

Moved by Hunt and supported by Mortensen to receive the audit report dated Sept. 9, 2021. The motion carried unanimously.

5. Consideration of request for approval and adoption of Ordinance Number Z-21-01 regarding Zoning Ordinance Text Amendments to Article 11 entitled “General Provisions” and Article 25 entitled “Definitions” as provided by Kelly VanMarter.

Kelly VanMarter provided an overview of the changes to the Ordinance number Z-21-01. *(Note: The amendments and changes to the Zoning Ordinance may be seen on line under the Oct. 4, 2021 regular meeting of the board.)*

Moved by Hunt and supported by Skolarus to approve and adopt Ordinance Number Z-21-01 amending Articles 11 and 25 of the Zoning Ordinance in regard to General Provisions and Definitions. The motion carried by roll call vote as follows: Ayes – Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None.

6. Consideration of an approval recommendation for a proposed amendment to the Lorentzen Planned Unit Development (PUD) agreement with corresponding environmental impact assessment dated June 11, 2021 and site plan dated August 24, 2021 for a proposed drive-through Lefty’s Cheesesteak restaurant located at 4173 E. Grand River, Howell. The request is petitioned by Howell Grand Plaza LLC. (Reference is made to Kelly VanMarter’s memorandum of Sept. 29, 2021.)

Moved by Hunt and supported by Lowe to approve the amendment to the **Planned Unit Development Agreement** with the following conditions:

1. The comments provided by Kelly VanMarter in the marked-up version of the agreement included in this evenings packet shall be incorporated and the agreement shall be reviewed and approved by the Township attorney prior to issuance of any land use permits for the use.
2. The deviation waiving the requirement for two (2) longer RV parking spaces shall be added to the agreement.
3. Once fully approved and executed, the petitioner will record the document with the Livingston County Register of Deeds and a copy of the recorded Agreement shall be provided to the Township prior to issuance of a Certificate of Occupancy.

And, to approve the **Environmental Impact Assessment** with the following conditions:

1. A narrative shall be added to Item E. about the “fast casual” nature of the proposed use with a description of the percentage of drive-through customers. A justification for the reduction in the amount of required stacking spaces shall be provided in addition to a description of how drive-through stacking will be managed operationally by the tenant.
2. The corporate brochure that was presented to the Planning Commission showing the mixture of indoor sales vs. drive-through sales shall be included as an attachment to the assessment.

3. The revised assessment shall be provided to Township staff prior to issuance of a land use permit.

And, to approve the **Site Plan** with the following conditions:

1. Any landscaping that is missing or in poor condition shall be replaced to ensure compliance with the approved landscaping plan for the site.
2. Additional signage should be used near the entrance and at the east end of the parking lot to direct people around the building and to the drive-through.
3. The applicant shall work with Township staff to determine if any additional REU capacity fees will be necessary for this new use. Any required fees must be paid at the time of land use permit issuance.
4. The requirements contained within the Fire Department letter dated September 2, 2021 shall be complied with.

The motion carried unanimously.

7. Consideration of an approval recommendation for a proposed amendment to the Grand River/Lawson Planned Unit Development (PUD) agreement with corresponding environmental impact assessment dated August 25, 2021 and site plan dated August 24, 2021 to allow for a drive-through car wash. The proposed project is located on the vacant northeast corner of Grand River and Lawson Drive including parcels 4711-09-200-039, 040, and 041. The request is petitioned by ROC Wash Holdings, LLC. (Reference is made to Kelly VanMarter's memorandum of Sept. 29, 2021.)

Moved by Lowe and supported by Croft to approve the amendment to the **Planned Unit Development Agreement** with the following conditions:

1. The revisions suggested by the Township Attorney shall be incorporated and the agreement shall be reviewed and approved by the Township attorney prior to issuance of any land use permits for the use.
2. Once fully approved and executed, the petitioner will record the document with the Livingston County Register of Deeds and a copy of the recorded Agreement shall be provided to the Township prior to issuance of a Certificate of Occupancy.

And, to approve the **Environmental Impact Assessment** as submitted.

And, to approve the **Site Plan** with the following conditions:

1. The drive-through bypass lane shall be defined with concrete curb or the entire lane between the curb dub down and parking lot shall be constructed of asphalt to eliminate confusion regarding what is sidewalk and what is drive aisle.
2. The Township engineer shall review the revised plans to determine compliance with the requirements of their letter dated September 2, 2021 before issuance of a land use permit.

The motion carried unanimously.

8. Request to authorize the Township Manager to execute a contract with Dunnigan Brothers in the amount of \$26,128.00 for the paving of State Street between Dillon and Seventh.

Moved by Hunt and supported by Lowe to authorize the paving of State Street between Dillon and Seventh in the amount of \$26,128.00. The motion carried unanimously.

9. Request to enter into closed session to discuss Attorney Client communication pursuant to 15.268(h). 10. Further, to discuss trial strategy in the case of CHI vs. Genoa Township (Case No. 21-cv-11303) and Genoa Township vs CHI (Case No. 21-31255-CZ) pursuant to ACL 15.268(e).

Moved by Lowe and supported by Skolarus to enter into closed session at 7:42 p.m. as requested. The motion carried by roll call vote as follows: Ayes – Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None.

The regular Meeting of the Board was resumed at 8:24 p.m.

Moved by Skolarus and supported by Lowe to continue negotiations with MiSignal to get broadband to unserved and under-served areas of the township. The motion carried unanimously.

Correspondence: There was no correspondence.

Member Discussion:

Skolarus – About Don Root being here, I had a meeting with Robin and Bill on Sept 13th and I understood that they decided to discontinue the Big Red Barrel after the fall collection dates. Hunt said I wanted to discontinue it but Bill said let's see how the next one goes. Skolarus – I again mentioned the Meeting of Sept. 13, 2021 where we discussed the poor turnout and told Don Root about the possible cancellation after the next collection.

Archinal – The access lane to the township is now complete. The paving of State Street was a good deal for the Township. The City of Brighton was redoing their roads and damage was done to State Street. 1 ½" of asphalt will be added to correct the problem. The cost may be a little more than what was approved.

Moved by Ledford and supported by Croft to adjourn the Regular Meeting of the Genoa Charter Township Board at 8:28 p.m. The motion carried unanimously.

Paulette A. Skolarus, Clerk
Genoa Charter Township Board

Bill Rogers, Supervisor
Genoa Charter Township Board