

Draft

**GENOA CHARTER TOWNSHIP BOARD
Regular Meeting and Public Hearing
May 16, 2022**

MINUTES

Supervisor Rogers called the regular meeting of the Genoa Charter Township Board to order at 6:30 pm 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, and Diane Lowe. Absent was Jim Mortensen. Also present were Township Manager Michael Archinal, Township Attorney Joe Seward, and approximately 27 persons in the audience.

The call to the public was made at 6:31 p.m.

Mr. David Pickett of 1017 Sunrise Park asked if the Board has been presented by the riparian association for dues for the weed management. The last one was sent in April of 2017. Ms. Skolarus stated that there is excess money in that fund so there is no assessment needed at this time. Mr. Pickett stated the riparian association does not provide him with information.

Mr. Michael Siterlet of 3780 Golf Club asked if the Planning Commission recommendation includes keeping the existing easement agreement for the lake for the Bible Baptist Church project at Latson and Golf Club. Supervisor Rogers advised that he will have the applicant address that when they come before the Board this evening.

The call to the public was closed at 6:37 pm.

Consent Agenda:

Moved by Hunt and supported by Lowe, to approve the consent agenda moving "Agenda Item #2, Request to Approve Minutes: April 18, 2022" to the regular meeting agenda. The motion carried as follows: Ayes – Ledford, Croft, Hunt, Lowe, Skolarus and Rogers. Nays – None. Absent – Mortensen.

1. Payment of Bills: May 16, 2022

3. A request for approval of a proposal from Northern Plumbing for the purchase and installation of a drinking fountain / pet watering station at the Township Pavilion for \$12,400.

A. Request to amend the FY 2022/2023 Building and Grounds Fund #249 Budget adding line item 249-265-981-006 in the amount of \$12,400.

Regular Agenda

Moved by Lowe, supported by Ledford, to approve for action all items listed under the Regular Agenda with the addition of Item #2. The motion carried as follows: Ayes – Ledford, Croft, Hunt, Lowe, Skolarus and Rogers. Nays – None. Absent – Mortensen.

2. Request to Approve Minutes: April 18, 2022

Ms. Hunt stated that her motion for Item 8 should have the words, “and an overview by the Clerk” removed as that was not part of her motion. The item regarding the HIPAA violation under Member Discussion should be changed to “Seward - the Township is not a healthcare provider and is not covered by HIPAA”. Mr. Seward agreed with Ms. Hunt.

Moved by Hunt, seconded by Croft, to approve the minutes of the April 18, 2022 Township Board meeting as amended. The motion carried as follows: Ayes – Ledford, Croft, Hunt, Lowe, Skolarus and Rogers. Nays – None. Absent – Mortensen.

4. Request for approval of a resolution adopting the Livingston County Hazard Mitigation Plan.

Moved by Lowe, seconded by Croft, to adopt the Livingston County Hazard Mitigation Plan. The motion carried by roll call vote as follows: Ayes – Ledford, Croft, Hunt, Lowe, Skolarus and Rogers. Nays – None. Absent – Mortensen.

5. Request for approval of a resolution to approve the Assessor’s Affidavit of the 2022 Millage Levies for Genoa Township establishing the millage rate at 0.7774.

Moved by Hunt, seconded by Lowe, to approve the Assessor’s Affidavit of the 2022 Millage Levies for Genoa Township establishing the millage rate at 0.7774. The motion carried by roll call vote as follows: Ayes – Ledford, Croft, Hunt, Lowe, Skolarus and Rogers. Nays – None. Absent – Mortensen.

6. Consideration of a recommendation for approval of the Westbury Phase 2 site plan and environmental impact assessment requesting 136 apartment units within 17 buildings located north of the intersection of Whitehorse Drive and Arundell Drive. The property is located within the Lorenzen Planned Unit Development and was previously approved for 137 apartment units. The request is petitioned by Elevate Property Partners, LLC.

Mr. Robert Langan of Elevate Property Partners, LLC provided a review of the proposed project and showed samples of the building materials. They will be matching the architecture and materials from Phase 1. The Planning Commission has recommended approval.

Ms. Skolarus questioned if there would be sufficient parking. Mr. Langan stated they have exceeded the maximum parking requirements of the Township Ordinance. Ms. Skolarus is concerned that there is not sufficient parking near each residence for visitors. **With one bedroom and two persons living in the unit, there is only a one-car garage, which means that the second person would need to park in the driveway and there would be no room for anyone visiting to park near the entrance.**

A. Disposition of Environmental Impact Assessment (1-17-22)

Moved by Hunt, seconded by Lowe, to approve the Environmental Impact Assessment dated January 17, 2022 for Westbury Phase 2 as submitted. The motion carried as follows: Ayes – Ledford, Croft, Hunt, Lowe, Skolarus and Rogers. Nays – None. Absent – Mortensen.

B. Disposition of Site Plan (3-23-22)

Moved by Hunt, seconded by Lowe, to approve the Site Plan dated March 23, 2022 for Westbury Phase 2, with the following conditions:

1. The requirements of the Township Engineer's letter dated April 7, 2022 and the Brighton Fire Authority Fire Marshal letter dated April 6, 2022 shall be satisfied before issuance of a land use permit.
2. The deteriorated existing paving on Arundel Avenue shall be replaced with at least a base course of asphalt prior to issuance of a permit for any new buildings. The final top course shall thereafter be installed when doing the final paving of phase 2.
3. The architecture and materials of Phase 2 shall match phase 1.

The motion carried (Ledford - no; Croft - yes; Hunt - yes; Lowe - yes; Skolarus - no; Rogers - yes).

7. Consideration of a recommendation for approval of two special use applications, environmental impact assessment and site plan for a proposed 19,843 sq. ft. church and sports field in the Low Density Residential (LDR) district with an additional special land use for encroachment into the wetland protection setback. The site is located at 3850 Golf Club Road, southwest corner of Golf Club Road and Latson Road. The request is petitioned by Bible Baptist Church.

Pastor Tim of Bible Baptist Church spoke about his church and provided a review of the project. He confirmed that the easement agreement that Mr. Siterlet questioned in the call to the public this evening will continue to be in place.

Mr. Scott Tousignant from Boss Engineering provided an engineering review of the site and the project.

Supervisor Rogers asked Mr. Siterlet if he was satisfied with what was said this evening. Mr. Siterlet stated he appreciates that Pastor Tim has worked with him and his wife and understands how important the lake is to them.

Ms. Hunt appreciates the church working with and listening to the neighbors.

Ms. Skolarus stated that the church use is appropriate for this area, but the design of the building is not. Pastor Tim stated this building will not be seen from Latson or Golf Club Road or the residential neighbors to the south as there are several hundred feet of mature trees between it and the roadways or the residences. Ms. Hunt agrees that there was a lot of siding on the building but understands that it will not be seen.

A. Disposition of Special Use Application for a (1) church and (2) encroachment into the natural features setback.

Moved by Lowe, seconded by Hunt, to approve with conditions the Special Land Use Application for a church and encroachment into the natural features setback because it has been found that the requested use meets the requirements of Sections 19.03 and 3.02.02(l) of the Township Ordinance, with the following conditions:

1. Any site plan fee exceedances associated with the additional meetings and consultant reviews as indicated on the site plan and special land use applications shall be paid prior to issuance of the land use permit.
2. The applicant will address the requirements spelled out in the Township Engineer's letter dated April 5, 2022 and the Brighton Area Fire Authority's letter dated April 6, 2022.
3. The applicant shall ensure that site noise will comply with Section 13.05.06 and be no greater than the normal level of traffic noise existing in the area at the time of such emission, when determined at the boundary of the property.
4. All conditions of approval related to the impact assessment and site plan shall be complied with prior to issuance of a land use permit.

The motion carried as follows: Ayes – Ledford, Croft, Hunt, Lowe, Skolarus and Rogers. Nays – None. Absent – Mortensen.

B. Disposition of Environmental Impact Assessment (04-21-22)

Moved by Skolarus, seconded by Croft, to approve the Environmental Impact Assessment dated April 21, 2022 for Bible Baptist Church as presented. The motion carried as follows: Ayes – Ledford, Croft, Hunt, Lowe, Skolarus and Rogers. Nays – None. Absent – Mortensen.

C. Disposition of Site Plan (04-21-22)

Moved by Hunt, seconded by Croft, to approve the Site Plan dated April 21, 2022 for Bible Baptist Church, with the following conditions:

1. The applicant will provide a performance guarantee in compliance with Section 21.03 for the pathway along Latson Road prior to issuance of a land use permit.
2. Any site plan fee exceedances associated with the additional meetings and consultant reviews as indicated on the site plan and special land use applications shall be paid prior to issuance of the land use permit.

3. The private access easement for dam management must be shown on all sheets of the site plan package. In addition, since the site design will interfere with the ability to access the dam due to the forebay and retaining wall location, the applicant shall provide a written agreement involving both affected parties prior to issuance of the land use permit. This agreement should consider relocating the access easement to the proposed new driveway location and the plans should be revised to indicate a new easement location if established.
4. The applicant must address any comments provided by the Township Engineer's letter dated April 5, 2022 and the Brighton Area Fire Authority's letter dated April 6, 2022.
5. Site lighting shall be programmed to turn off at night when activities are no longer occurring on the property.

The motion carried as follows: Ayes – Ledford, Croft, Hunt, Lowe, Skolarus and Rogers. Nays – None. Absent – Mortensen.

8. Request for approval of the 2022-2026 Amended and Restated Utility Service Agreement adding the Howell Township Sanitary Sewer System Operations.

Moved by Ledford, seconded by Skolarus, to approve the 2022-2026 Amended and Restated the Utility Service Agreement adding Howell Township Sanitary Sewer Systems Operations. The motion carried by roll call vote as follows: Ayes – Ledford, Croft, Hunt, Lowe, Skolarus and Rogers. Nays – None. Absent – Mortensen.

9. Request for approval of Resolution #1 (to proceed with the project and direct preparation of the plans and cost estimates) for the Timberview Private Drive Road Improvement Project.

Moved by Lowe, seconded by Croft, to approve Resolution #1 (to proceed with the project and direct preparation of the plans and cost estimates) for the Timberview Private Drive Road Improvement Project. The motion carried by roll call vote as follows: Ayes – Ledford, Croft, Hunt, Lowe, Skolarus and Rogers. Nays – None. Absent – Mortensen.

10. Request for approval of Resolution #2 (to approve the project, schedule the first hearing, and direct issuance of statutory notices) for the Timberview Private Drive Road Improvement Project.

Moved by Ledford, seconded by Lowe, to approve Resolution #2 (to proceed with the project and direct preparation of the plans and cost estimates) for the Timberview Private Drive Road Improvement Project. The motion carried by roll call vote as follows: Ayes – Ledford, Croft, Hunt, Lowe, Skolarus and Rogers. Nays – None. Absent – Mortensen.

11. Discussion regarding proposed Township Hall entrance sign.

Mr. Archinal provided a review of the proposed sign, including how the electronic message board will be used.

Ms. Hunt wants to ensure the sign meets all requirements of the Township Ordinance.

Some design changes were suggested. Mr. Archinal will make those changes and return to the Board for review.

12. Request for reimbursement of the legal fee of \$5,000 to the Township Clerk as a result of the not guilty verdict of April 25, 2022.

The Board discussed the request and the incident that caused the criminal charges to be filed against the Clerk.

Ms. Hunt stated that the Clerk claims she was underpaid in 2016, the Board has been made aware of how the Clerk has mistreated employees, and she is concerned about the Clerk's potential recent violation of the Open Meetings Act in her handling of an Election Commission meeting. She recommended that an independent investigation be done to review the issue with the election as well as these other matters regarding the Clerk.

Ms. Lowe stated that a mistake was made and the item on the agenda is the reimbursement for legal fees. *She thinks this should be covered. We need to look out for our own and I think we need to forgive. A mistake was made and the item on the agenda is the reimbursement of legal fees.*

Mr. Rogers stated that part of the issue is that the deputy clerk admitted to it the following day after the first testimony. He asked why they waited a year after the first testimony. Ms. Skolarus stated Mary and her were shocked when they were charged. They called Mr. Seward and he said not to talk to the police. No one ever called them from the prosecutor's office or the County Clerk's office to find out what happened. Ms. Krencicki did not do anything wrong. Mr. Rogers stated there are other issues. Mr. Seward stated he does not recommend clients say anything to the police.

Ms. Lowe asked if that was the first time Mary was on the stand. Polly stated, "yes, but she spoke with the police many months ago.

Mr. Rogers stated a forensic audit is needed. Ms. Lowe stated what is on the agenda is the "not guilty" verdict. Ms. Hunt stated that if the Board agrees, she has a motion prepared. She does not want to make a decision without having information.

Moved by Hunt, seconded by Ledford, to have an item placed on the June 6, 2022 Township Board meeting agenda to consider the hiring of independent legal counsel to investigate the Clerk's request for reimbursement of attorney fees and costs, her past compensation, her alleged mistreatment of employees, her potential Open Meetings Act violations, and any other matters of impropriety or misconduct by the Clerk and provide a report and recommendations to the Board concerning those matters and to postpone the Clerk's request for reimbursement of attorney fees and costs until the investigation, report, and recommendations are completed.

The motion carried as follows: Ayes – Ledford, Croft, Hunt, Lowe, and Rogers. Nays – None. Abstain – Skolarus. Absent – Mortensen.

Correspondence

A letter was received from Comcast advising that they will be seeking renewal of their cable television franchise in the Township.

The Township Board received an email from Dan Wholihan opposing the Township reimbursing Ms. Skolarus \$5,000 for her legal fees.

Member Discussion

Ms. Skolarus stated that the State of Michigan has granted the Township one new liquor license based on the 2020 US Census. She has received requests for two licenses and asked how to proceed. Supervisor Rogers asked Ms. Skolarus to provide the requests to the Board.

Mr. Archinal advised that the concrete work at the Township Hall is complete. He is happy with the work.

Supervisor Rogers stated there will be a ribbon cutting ceremony on Friday, May 20, for the amenity that has been donated to the Township Hall site from Howell High School Senior Survivors.

The Board discussed the township cemetery maintenance, its spring clean-up, and other larger maintenance work that is needed there.

Adjournment

Moved by Lowe, seconded by Hunt, to adjourn the meeting at 7:40 p.m. The motion carried unanimously.

Respectfully submitted,

Patty Thomas
Recording Secretary

Approved:

Paulette Skolarus, Clerk
Genoa Charter Township

Bill Rogers, Supervisor
Genoa Charter Township