

GENOA CHARTER TOWNSHIP BOARD
Regular Meeting
February 05, 2024

MINUTES

Supervisor Rogers called the regular meeting of the Genoa Charter Township Board to order at 6:30 pm at the Township Hall. The following members were present constituting a quorum for the transaction of business: Bill Rogers, Robin Hunt, Jean Ledford, Terry Croft, Diana Lowe, and Paulette Skolarus. Absent was Jeff Dhaenens. Also present were Township Manager Kelly VanMarter and 12 people in the audience.

The Pledge of Allegiance was recited.

The call to the public was opened at 6:31 pm.

Paulette Skolarus requested that the Board allow her friend Peggy to address the Board for 3 and a half minutes because they have allowed that in the past. Supervisor Rogers responded that he notified her that she could provide the statement to be included in the packet correspondence and it was not provided. He indicated that they have not allowed over 3 minutes for as long as he has been on the Board. Paulette stated it was at the meeting 2 months ago. Robin suggested that sending the email and providing a brief statement was the perfect solution.

Peggy Hodgson at 5566 Cider Berry Drive continued her statement about Paulette Skolarus giving her credit for creating firsts in election procedures which have led to statewide mandates, she completed the mid-decade census generating \$650,000, she advocated for road projects and refuse collection, she maintained general ledger, budgets, payroll, accounts payable, served 14 years on Zoning Board, past president of Livingston County Clerks Association, nominated as Clerk of the Year and petitioned for walkways to connect people and places, the website was created in 1999. Thank you Polly, love you.

Susan Nichols at 4943 Fairways Drive thanked Diana, Paulette and Jean for allowing her to be election inspectors. Genoa Township received 6.5 million in grant money for the S. Latson project. The funding is for water infrastructure south of the interchange. She is seeking a copy of the application from Marcia with Ann Arbor SPARK. She is disappointed in the Board of Trustees and the Planning Commission for an Industrial Park. The citizens do not want this. You have ignored the will of the people. I know you work hard but you know this is something that the citizens do not want.

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

Approval of Consent Agenda:

Moved by Robin Hunt, supported by Diana Lowe, to approve the Consent Agenda moving item #2 regarding approval of the minutes to the regular agenda. **The motion carried unanimously.**

1. Payment of Bills: February 5, 2024

Approval of Regular Agenda:

Kelly VanMarter indicated that the request for accessory fuel storage for Agenda Item #5 was eliminated by the applicant therefore she requests an amendment to the language for that agenda item to remove the reference to accessory fuel storage.

Moved by Diana Lowe, supported by Robin Hunt, to approve the Regular Agenda with the addition of item #2 regarding approval of the minutes and a correction to remove the accessory fuel storage from item #5. **The motion carried unanimously.**

2. Request to approve January 22, 2024 regular meeting minutes

Robin Hunt requests a correction on page 3 to change Ms. Seward to Mr. Seward. She also noted that for item #4 during discussion the Clerk left and returned and she believes that should be reflected in the minutes. Kelly VanMarter checked her notes and she wrote down that the Clerk left the meeting at 6:48pm and returned at 6:55pm. Paulette Skolarus wants the Supervisor, Clerk, and Treasurer listed as those present first followed by the Trustees from left to right the way to do roll call. Supervisor Rogers indicates that it is incorrect to call the roll the same way each time. Kelly VanMarter states that this is not a correction of the minutes, the minutes are correct. Supervisor Rogers stated we can ask the recording secretary to consider that change in future minutes.

Moved by Robin Hunt, supported by Jean Ledford, to approve the January 22, 2024 Minutes with the corrections noted. **The motion carried unanimously.**

3. Public hearing and review of Fiscal Year 2024/2025 Budgets for funds 101, 202, 208, 212, 249, 401, and 464

A. Call to the Public.

A call to the public was made at 6:41 with no response.

The call to the public was closed at 6:42 pm.

B. Board Discussion.

Paulette Skolarus stated that she has a 2-minute presentation. She was appointed in 1986 and was re-elected 9 times. In January of 2017 she was accused of paying herself and Gary McCririe in advance. This resulted in a letter asking for repayment from Gary McCririe and she was not paid in March 2017. Supervisor Rogers indicated that this issue has been addressed. There was an outside organization hired and this is the same issue. There was a major study that cost \$50,000 that proved that what you are saying is wrong and this issue was not to be brought up again. Paulette Skolarus continued that in March of 2021 she was accused by the Livingston County Prosecutor and was found not guilty by a jury of her peers. Bill Rogers and Kelly VanMarter recently stated that they believed that she was guilty. In 2022, the Township hired Chad Karsten for \$50,000 to investigate. His 30-page analysis stated that there was not a duplicate payment. Kelly VanMarter stated that she cannot release contents of the report because it was confidential. Supervisor Rogers stated that she cannot discuss this and Paulette responded that she could. Robin Hunt states that she cannot disclose documents with attorney-client privilege. Paulette continued that the FOIA request she submitted to the Township was never answered by Ken Palka who advised Kelly VanMarter that he would not respond under the advice of his attorney. As a result of the false accusation, the Township removed all the

statutory duties from her office and stated that she would not get an increase in pay. She has been subject to verbal abuse, threats of recall and age discrimination. After reviewing the budget her salary remains at \$58,755 with the Manager set to receive \$70,000 and the Treasurer set to receive \$69,000. The work of the Clerk's office is the most important in any municipality. The Township carries a 10-million-dollar insurance policy and she would like to meet with that company to settle this matter amicably and with just compensation. Supervisor Rogers stated that she just violated the law again and this is done. Paulette Skolarus states that she is asking to meet with the insurance carrier of this Township who carries a 10-million-dollar policy. She has not been given a raise since 2021 after she completed 5 elections. Robin Hunt stated that this Board made a motion in November of 2022 that stated that no more Township funds or time was to be spent on this matter and you are asking for exactly that to use Township funds and time to investigate a matter that has been resolved.

Supervisor Rogers reviewed the Mortensen report. Diana Lowe states that Jim would appreciate the report and she is glad that it is named after him. Kelly VanMarter indicated that she will continue to update the report as the budget changes.

4. Consideration of a recommendation for approval for a special use application, environmental impact assessment and site plan to allow for a contractor's yard with outdoor storage, wetland buffer encroachment and accessory fuel storage located at 855 Victory Drive, east side of Victory Drive, south of Grand River Avenue. The request is petitioned by Michigan Recreation Construction, Inc.

Brent LaVanway with Boss Engineering and Craig Sheffer, the owner of Michigan Recreation was present on behalf of the petitioner. Brent LaVanway reviewed the project and stated that the site is located on Victory Drive and the 2 lots will be combined. This project entails additional paved parking and contractor storage. They will construct a berm and obscuring fence along the storage area. Expanding a storm basin and adding an additional basin.

Robin Hunt states that there are compliance issues with the existing site and she hopes that this will help with those issues. Craig Sheffer indicates that this will address all the existing issues and that is the reason they are doing this. They hope to be an example for other projects.

Paulette Skolarus is pleased that they are protecting the wetlands. Craig Sheffer said the wetlands are an important and functional feature they hope to protect. She asked what they are doing to the other facility. Mr. Sheffer responded that the future use of that property has not yet been determined. They do not plan to sell.

Robin Hunt referenced the requirement for the 500-gallon storage tanks and asked what they would do if a variance was not granted. Mr. Sheffer said they would likely switch to smaller tanks or use a local gas station to refuel their trucks and equipment which would be a challenge. Having the tanks will reduce the amount of traffic to fill their equipment. They understand that requirement and intend to comply.

Paulette Skolarus asked how many times they would fill the two 500-gallon tanks. Craig Sheffer said once a week or every other week during their busy months. Off road diesel is cheaper than automobile diesel. Paulette Skolarus asked how much area a 500-gallon tank would occupy. They are similar to the size of a standard household propane tank.

Robin Hunt asked if they are prepared to combine the property. Mr. Sheffer responded yes.

A. Disposition of Special Use Application

Moved by Paulette Skolarus, supported by Robin Hunt to approve the Special Use Permit to allow for a contractor's yard with outdoor storage, wetland buffer encroachment and accessory fuel storage located at 855 Victory Drive and parcel #4711-05-303-026. It is found that the requested use meets the standards of Section 19.03, 13.07 and 8.02.02(b) with the following condition:

1. Applicant must receive a variance from the Zoning Board of Appeals to allow for two 500-gallon fuel storage tanks.
2. The two parcels must be combined into one parcel.

The motion carried unanimously.

B. Disposition of Environmental Impact Assessment (1-15-24)

Moved by Diana Lowe, supported by Terry Croft to approve the Environmental Impact Assessment dated 1-15-24 for a contractor's yard with outdoor storage located at 855 Victory Drive. **The motion carried unanimously.**

C. Disposition of Site Plan (1-26-24)

Moved by Jean Ledford, supported by Diana Lowe to approve the site plan dated 1-26-24 to allow for a contractor's office with outdoor storage yard at 855 Victory Drive, with the following conditions:

1. The two parcels must be combined into one parcel.
2. The wetland crossing shall be approved by EGLE and approval shall be submitted to the Township prior to land use permit issuance.
3. Applicant must receive a variance from the Zoning Board of Appeals to allow for two 500-gallon fuel storage tanks.

The motion carried unanimously.

5. Consideration of a recommendation for approval of a special use application, preliminary site plan and environmental impact assessment for a 2-unit non-residential site condominium with contractor's offices and yards with outdoor storage. The property is located at 2025 Euler Road, east side of Euler Road, north of Grand River Avenue. The request is petitioned by Desine, Inc.

Wayne Perry, Design, Inc., Cathy Reisterer, and Brian Misaras are present on behalf of the petitioner. Wayne Perry reviewed the project and stated that the project will create two industrial sites on Euler Road with a common entrance. Each building will have 20,000 square feet building with municipal water and sanitary sewer. The existing buildings on the site will be demolished and stormwater management will be constructed with a basin on the east side of the property.

Robin Hunt asked if the area between the building will only be used for maneuvering into the bays. Wayne Perry responded yes.

Paulette Skolarus loves the plan and has questions about the storage yard. She wants to see fencing across the front between the two buildings. She suggested they consider something similar to the WalMart store which has a stone or brick wall with wrought iron fence on the top to screen. Wayne Perry asked if her goal was to block the view from Euler Road. Ms. Skolarus responded yes and stated that it doesn't have to be opaque, just something to stop your eye.

Wayne Perry stated that there is a 50-foot-wide landscape buffer along the residential property line with landscaping that exceeds the ordinance requirements. Between the buildings is not storage and that area will be used as a truck turning area. The ability to see the storage area will be very diminished because it will be at least 410 feet off of Euler Road at a minimum. You will be able to see it but it will be 400-600 feet off of Euler Road.

A resident spoke up in concern for the large excavators which will be located right against the back of the building which is very near her home.

Cathy Riesterer responded that the property is zoned Industrial and she purchased her home in 2021. The Township ordinances requires buffering and screening. There is very limited to no Industrial land in Genoa Township to develop. The applicant has gone above and beyond to add landscaping and to make the building attractive.

Paulette Skolarus really appreciated the letter in the packet from the resident and thinks she should work at the Township. She wants to help this person by adding a fence between the two buildings to make it more attractive.

Robin Hunt is less concerned about the Euler Road view but is more concerned with the impacts to the abutting residential. She asked if any of the equipment that will be stored would be over 10 feet tall. Mr. Perry responded that nothing will be stored above that height.

Wayne Perry offered to add trees to the 50 feet buffer and said they could look to add height to the berm provided it is within the side slopes of the engineering standards.

Paulette Skolarus said on the picture you have all these beautiful green trees. Wayne Perry states that those trees along the lakeside will remain.

A. Disposition of Special Use Application

Moved by Robin Hunt, supported by Diana Lowe to approve the Special Use Permit for a two-unit non-residential site condominium with contractor's offices and yards with outdoor storage at 2025 Euler Road. It is found that the requested use meets the standards of Section 19.03, 13.07 and 8.02.02(b). This approval is conditioned upon the following:

1. High quality building architecture and enhanced landscaping have been provided to ensure compatibility with the research and development future land use category. The final building architecture shall be reviewed by the Planning Commission to ensure that it meets the intent of the Master Plan and conveys a high-quality image.
2. The height of all material and equipment stored in an outdoor storage area shall not exceed the height of any landscape screening, wall or fence. Storage of materials up to the height of the adjacent building wall may be permitted in the rear yard of the south condominium unit if it is illustrated on the site plan because the rear yard does not abut a residential

district or face an expressway, provided such storage is confined to within twenty (20) feet of the building.

3. The applicant shall address any comments provided in the January 3rd, 2024 letter from the Township Engineer.
4. The applicant shall address any comments provided in the December 26, 2023 letter from the Brighton Area Fire Authority.
5. Additional landscaping trees shall be added to the north property line and if possible additional berm height shall be added.

The motion carried unanimously.

B. Disposition of Environmental Impact Assessment. (1-26-24)

Moved by Robin Hunt, supported by Jean Ledford to APPROVE the Environmental Impact Assessment dated 1-26-24 for a two-unit non-residential site condominium with contractor's offices and yards with outdoor storage at 2025 Euler Road. **The motion carried unanimously.**

C. Disposition of Site Plan (dated 1-26-24)

Moved by Jean Ledford, supported by Terry Croft to approve the site plan dated 1-26-24 to allow for a two-unit non-residential site condominium with contractor's offices and yards with outdoor storage at 2025 Euler Road, with the following conditions:

1. The applicant is to review the tones and textures of the building and their ability to improve upon the landscaping as discussed.
2. The building materials do not meet the Zoning Ordinance. Building materials and colors will be reviewed at Final Site Plan submittal.
3. The Master Deed and Bylaws shall be amended per the comments provided by the Township Attorney and staff and exhibit B shall be provided for review at Final Site Plan submittal.
4. Site plan shall be revised to show storage of materials up to the height of building in an area 20 feet behind the building on south condominium unit.
5. Additional landscaping trees shall be added to the north property line and if possible, additional berm height shall be added.

The motion carried unanimously.

6. Request for approval of Resolution #5C, the third amendment to Resolution #5 for the Pine Creek Ridge Road Improvement Special Assessment District to extend the interest free pre-payment period from March 1, 2024 to June 1, 2024. (Roll Call)

Kelly VanMarter indicated the hearing before the Michigan Tax Tribunal is tomorrow and she hopes to have an answer by June 1st which will allow the project to move forward. This will change the no interest pre-payment date from March 1, 2024 to June 1, 2024.

Paulette Skolarus asked if there were time periods for the bids for this project. Kelly VanMarter responded that her cover letter in the packet addressed this issue. The County Road Commission has indicated that they will honor the pricing.

Moved by Diana Lowe, supported by Paulette Skolarus to approve Resolution #5C, the third amendment to Resolution #5 for the Pine Creek Ridge Road Improvement Special Assessment District to extend the interest free pre-payment period from March 1, 2024 to June 1, 2024. **The**

motion carried with a roll call vote as follows: Jean Ledford - yes, Terry Croft - yes, Robin Hunt - yes, Diana Lowe - yes, Paulette Skolarus - yes, and Bill Rogers - yes. (Trustee Dhaenens - Absent).

7. Request for approval of a proposal from Adams Well Drilling & Water Treatment, Inc. to replace and improve the water treatment system at the Township Hall to include an upgraded water softener and iron removal system with associated plumbing at a cost not to exceed \$8,355.00 from Capital Outlay fund 101-900-970-000.

Kelly VanMarter reviewed the proposal and indicated that staff recommends the contract from Adams.

Moved by Diana Lowe, supported by Terry Croft to approve the proposal from Adams Well Drilling & Water Treatment, Inc. to replace and improve the water treatment system at the Township Hall to include an upgraded water softener and iron removal system with associated plumbing at a cost not to exceed \$8,355.00 from Capital Outlay fund 101-900-970-000. **The motion carried unanimously.**

8. Request for approval of a proposal from Amistee Air Duct Cleaning and Insulation to clean the 6 Township Hall furnaces and associated ductwork, diffusers and vents at a cost not to exceed \$6,200.00 from Building and Grounds Maintenance fund 101-265-934-060.

Kelly VanMarter reviewed the proposal. The duct work at the Township Hall has not been cleaned since the building was constructed. Bill Rogers wants to be sure that a reminder to have this done be added to a calendar so that it occurs at a routine interval. Paulette Skolarus asked if video would be provided of the before and after. Robin Hunt indicated that the proposal includes before and after photographs.

Moved by Jean Ledford, supported by Terry Croft to approve the proposal from Amistee Air Duct Cleaning and Insulation to clean the 6 Township Hall furnaces and associated ductwork, diffusers and vents at a cost not to exceed \$6,200.00 from Building and Grounds Maintenance fund 101-265-934-060. **The motion carried unanimously.**

Correspondence

The Challis Road and Bauer Road roundabout construction plans are presented and discussed. The Board is glad to see the project.

Member Discussion

Kelly VanMarter stated that she would like to record to reflect that none of the statements made by the Clerk in regard to her were not accurate.

Robin Hunt asked about the Clerk getting the election wages on the next agenda. There is one more meeting before the election. Ms. Skolarus responded that there are 2 meetings and Diana Lowe stated there is only one. Paulette Skolarus asked if there was nothing in March or February. Ms. Hunt responded that this is February and Diana Lowe clarified that there is only one more meeting in February before the election. Robin Hunt is concerned that the Election Commission met a week ago Friday and approved minutes from the prior Election Commission

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meeting. She is concerned that approved minutes must be posted within 5 business days and they are not which means they are in violation of the Open Meetings Act. Paulette Skolarus stated that she and Diana would correct that. Diana Lowe stated that she will not be posting anything on the website. Robin Hunt is concerned ~~that she~~ they once again violated the Open Meetings Act by not being posted within 5 days. Diana Lowe asked where the minutes are posted on the website and Kelly VanMarter showed her where the page is located. Diana Lowe asked Ms. Skolarus to get the approved minutes posted. Robin Hunt asked if changes were made when they approved the minutes. Diana Lowe stated that no changes were made to the draft minutes that were posted to the website and that the draft minutes on the website were not the same minutes that were in the last packet.

Adjournment

Moved by ~~Diane~~ Diana Lowe, supported by Terry Croft to adjourn the meeting at 7:45 pm. **The motion carried unanimously.**

Respectfully Submitted,

Kelly VanMarter
Recording Secretary

Approved: Paulette Skolarus, Clerk
Genoa Charter Township

Bill Rogers, Supervisor
Genoa Charter Township