

GENOA CHARTER TOWNSHIP BOARD
Regular Meeting
April 1, 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, Paulette Skolarus, Jean Ledford, Terry Croft, Robin Hunt, and Diana Lowe. Absent was Jeff Dhaenens. Also present was Township Manager Kelly VanMarter, Township Attorney Joseph Seward, and 23 people in the audience.

The Pledge of Allegiance was recited.

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

Ms. Colleen Quinn of 4042 Brookstone Court spoke regarding the ACLU press release. She cited the voter law that states ineligible voters are to be removed from the voter roll. She supports Polly and her staff with this federal requirement to maintain accurate voter rolls. She visited voters in the township and they provided the names of voters who no longer live at their residence.

Ms. Janine Iyer of 2396 Brighton Road, president of Stand Up Livingston stated that she developed an affidavit where the resident would sign stating who was no longer living at their home and were still on the voter roll. She believes that Polly acted correctly by removing those voters from the voter roll. She also cited the law where it states a clerk shall wait two years before removing someone from the roll and the ACLU should not criticize Polly for doing her job.

Ms. Hale of 3148 Beck Road Hale is opposed to the PUD at Latson and I-96. She requested that the Board keep this a residential, rural community. She moved here to live in the country.

The call to the public was closed at 6:33 pm.

Approval of Consent Agenda:

Ms. Skolarus requested to have changes made to the Member Discussion section of the minutes. Ms. VanMarter stated that the minutes should reflect what was said. Ms. Skolarus stated she would like to have it clarified as to what she should have said. Ms. Hunt suggested leaving the minutes as presented and Ms. Skolarus should clarify what she meant to say during Member Discussion this evening. In 39 years no one was ever denied correcting the minutes. The action of the Board is unprecedented.

Moved by Skolarus, supported by Lowe, to approve the Consent Agenda as presented. **The motion carried unanimously.**

1. Payment of Bills: April 1, 2024

2. Request to approve March 18, 2024 regular meeting minutes.

Approval of Regular Agenda:

Moved by Ledford, supported by Lowe, to approve the Regular Agenda as presented. **The motion carried unanimously.**

3. Request for approval of the Uniform Video Service Local Franchise Agreement with WideOpenWest Mid-Michigan, LLC (WOW! Internet, TV & Phone) including the revisions recommended by Township staff and counsel.

Mr. Bryant Murray, Operations Manager of WOW in Southeast Michigan, stated they are bringing fiber to the township to allow for up to five gig service.

Mr. Mike Watza has been retained by the Township to represent them with regard to the agreement with WOW.

Ms. VanMarter stated that at the last meeting, Mr. Dhaenens asked if WOW was going to be installing new infrastructure or using Comcast's and will streaming services be included in the revenue part of the agreement. She stated that they are installing new fiber and the current law does not allow revenue on internet, but the language has been put into the agreement so that it can be opened up and added if the law changes. The township will; however, receive revenues for streaming platforms provided by WOW.

A question was raised today asking how the township will know that the revenue being provided is accurate with respect to the number of subscribers. Mr. Watza stated that there are companies that conduct audits for municipalities to ensure that the revenues are accurate, but the Township would need to pay for the audit.

Mr. Watza stated receiving revenue for WOW's streaming service as well as allowing revenue to be received from other streaming services if the law is changed is very unique.

Ms. VanMarter stated that language regarding restoration has also been added to the agreement.

Moved by Hunt, supported by Croft, to approve the Uniform Video Service Local Franchise Agreement with WideOpenWest Mid-Michigan, LLC (WOW! Internet, TV & Phone) dated February 2, 2024, subject to inclusion of the revisions recommended by Township staff and counsel. **The motion carried unanimously.**

4. Consideration of a recommendation for approval of a special land use application, environmental impact assessment, and site plan to allow for a proposed automatic car wash. The site is on the northern portion of vacant parcel #4711-04-300-017

located on the east side of Latson Road south of Grand River Avenue. The request is petitioned by CWP West, LLC.

A. Disposition of Special Use Application.

B. Disposition of Environmental Impact Assessment (1-16-24)

C. Disposition of Site Plan (3-14-24)

Mr. Brent LaVanway of Boss Engineering, Ms. Nicole Castern of Mister Car Wash, and Mr. Travis Sokana of Symmetry Management were present.

Mr. LaVanway provided a review of the project, which is a car wash with vacuums. They have worked with the staff, the township planner and Planning Commission on this project, as well as for the next item on tonight's agenda.

Ms. Hunt stated this is a lot on a small lot but relies on township staff and the Planning Commission. She is concerned with the right in/right out driveway. They do not work. The Livingston County Road Commission's (LCRC) letter states that that right in and right out will not function properly with the wider roadways. Mr. LaVanway stated they have had many discussions with the Brighton Area Fire Authority (BAFA) and LCRC and they agree this is the best solution as the Fire Marshal is requiring these drives to be wider as well as two access points. They all believe that this will be the secondary access. This car wash will be used by local residents and they will learn which driveway to use that is appropriate for them. He noted that signalization may be added in the future. Additionally, they are researching a cross access easement with the property to the north.

Supervisor Rogers agrees with Ms. Hunt. Ms. Skolarus is in support of this as it has been done previously in the township. Ms. VanMarter stated staff prefers to have the narrower entrance drives or to have the right in/right out eliminated completely, so they are requesting the LCRC, BAFA, and the applicant continue to work together.

Ms. Hunt does not agree with allowing underground stormwater storage tanks. She reiterated her concern that this site is very tight, which is why these are needed. She would like to encourage the engineer and Planning Commission to only approve these underground storage tanks in extreme cases in the future.

Mr. Croft understands why the Fire Department would like the wider entranceways. He is in favor of them being wider as requested by BAFA.

Moved by Hunt, supported by Lowe, to approve the Special Use Permit to allow for a proposed automatic car wash on the northern portion of vacant parcel #4711- 04-300-017. The site is located on the east side of Latson Road, south side of Grand River Avenue. The special land use standards of Section 19.03 are generally met and the conditions of Section 7.02.02(l) have been met. **The motion carried unanimously.**

Moved by Lowe, supported by Hunt, to approve the Environmental Impact Assessment dated January 16, 2024 to allow for a proposed automatic car wash on the northern portion of vacant parcel #4711-04-300-017. The site is located on the east side of Latson Road, south side of Grand River Avenue with the following condition:

- Official approval from MDOT for the stormwater discharge shall be submitted prior to land use permit issuance.

The motion carried unanimously.

Moved by Hunt, supported by Lowe, to approve of the Site Plan dated March 14, 2024 to allow for a proposed automatic car wash on the northern portion of vacant parcel #4711-04-300-017. The site is located on the east side of Latson Road, south side of Grand River Avenue, with the following conditions:

- The required concrete pad at the Dumpster enclosure shall be installed.
- The property split shall be approved prior to land use permit issuance.
- The limited access driveway should remain at 15-foot width or preferably be eliminated. The applicant shall work with the Livingston County Road Commission, Brighton Area Fire Dept., and Township staff on the final design.
- The applicant shall use all available efforts to establish the connection to the north.
- An executed cross access easement with the property to the south shall be submitted and recorded prior to land use permit issuance.
- All site plan review overage fees must be paid prior to issuance of a land use permit.

The motion carried unanimously.

5. Consideration of a recommendation for approval of a special land use application, environmental impact assessment, and site plan to allow for a proposed multi-tenant commercial center including a drive-through coffee shop and outdoor seating restaurant. The site consists of vacant parcels #4711-04-300-017 and 4711-09-100-004 and is located on the east side of Latson Road, south of Grand River Avenue. The request is petitioned by Kevin Bahnam, 1015 Latson Road LLC.

A. Disposition of Special Use Application.

B. Disposition of Environmental Impact Assessment (1-16-24)

C. Disposition of Site Plan (3-14-24)

Mr. Brent LaVanway of Boss Engineering, Mr. Jeff Klatt, the architect, and Mr. Travis Sokana with Symmetry Management were present.

Mr. LaVanway provided a review of the project, which will have multiple tenants, one of which is a drive thru. They will need a variance from the ZBA for the drive thru as it is within 500 feet of another drive thru restaurant. They will be on their April agenda.

Ms. Hunt reiterated her concerns for the underground storage tanks for stormwater, but the engineer and Planning Commission approved them. She likes the building design. She confirmed that the existing entrance drive on Latson will be removed and Mr. LaVanway stated, "yes".

Supervisor Rogers likes the building design as well. He asked if the applicant knew what the other tenants would be and if they would be combined. Mr. Lavanway stated that the amount of parking available will determine what uses can be here.

Moved by Skolarus, supported by Lowe, to approve the Special Use Permit to allow for a proposed multi-tenant commercial center including a drive-through coffee shop and outdoor seating restaurant located on vacant parcels #4711-04-300-017 and 4711-09-100-004. The site is located on the east side of Latson Road, south side of Grand River Avenue with the following condition:

- A variance from the Zoning Board of Appeals shall be obtained for the 500-foot requirement from an existing drive-through.

The motion carried unanimously.

Moved by Lowe, supported by Hunt, to approve the Environmental Impact Assessment dated January 16, 2024 to allow for a proposed multi-tenant commercial center including a drive-through coffee shop and outdoor seating restaurant located on vacant parcels #4711-04-300-017 and 4711-09-100-004. The site is located on the east side of Latson Road, south side of Grand River with the following condition:

- Official approval from MDOT for the stormwater discharge shall be submitted prior to land use permit issuance.

The motion carried unanimously.

Moved by Ledford, supported by Lowe, to approve of the Site Plan dated March 14, 2024 to allow for a proposed multi-tenant commercial center including a drive through coffee shop and outdoor seating restaurant located at vacant parcels #4711-04-300-017 and 4711-09-100-004. The site is located on the east side of Latson Road, south side of Grand River Avenue, with the following conditions:

- The required concrete pad for the Dumpster enclosure shall be installed.
- The reconfiguring of the parcels shall be approved prior to land use permit issuance.
- An executed cross access easement with the property to the north shall be submitted and recorded prior to land use permit issuance.
- All site plan review overage fees must be paid prior to issuance of a land use permit.

The motion carried unanimously.

6. Consideration of a recommendation for approval of a special land use application, environmental impact assessment, and site plan to allow for outdoor RV/camper storage. The site is located at 2630 Grand River Avenue on the south side of Grand

River Avenue, east of Chilson Road. The request is petitioned by Schafer Construction.

A. Disposition of Special Use Application

B. Disposition of Environmental Impact Assessment (11-29-23)

C. Disposition of Site Plan (2-16-24)

Mr. Luke Wenger of Greentech Engineering was present and provided a review of the project. They are requesting approval to allow for the storage of RV's and campers. The Planning Commission recommended approval, conditioned upon the fence being chain link with fabric instead of the slats as originally proposed. They will comply with that condition.

Ms. Hunt thanked the applicant for the improvements to the building and the site.

Moved by Skolarus, supported by Ledford, to approve the Special Use Permit to allow for outdoor RV/camper storage at 2630 Grand River Avenue. **The motion carried unanimously.**

Moved by Hunt, supported by Lowe, to approve the Environmental Impact Assessment dated February 16, 2024 to allow for outdoor RV/camper storage at 2630 Grand River Avenue. **The motion carried unanimously.**

Moved by Ledford, supported by Croft, to approve the site plan dated February 16, 2024 to allow outdoor RV/camper storage at 2630 Grand River Avenue with the following condition:

- The slat material shown on the details of the fencing shall be switched for a fabric material to be attached to the existing chain link fence and shall be maintained in good condition.

The motion carried unanimously.

7. Request for review and approval of a Certificate of License to conduct an outdoor assembly not to exceed 5,000 attendees on June 22, 2024 from 4:00pm to 10:00pm for the "Yellowstone Country Music Festival" to be located at Mt. Brighton Ski Resort, 4141 Bauer Road, Brighton, MI 48116. The request is petitioned by the Greater Brighton Area Chamber of Commerce.

Ms. Linda Carey of the Brighton Area Chamber of Commerce was present.

Ms. Skolarus stated that the letter from Ms. Ruthig states 3,000 attendees but the agenda states 5,000 attendees. She would like it to be limited to 3,000 attendees. Ms. Carey stated they are only requesting a limit of 3,000.

Ms. Lowe asked if there were complaints from last year's event. Ms. Carey stated they did not have any complaints for this event. There was one for the Smokin' Jazz Festival, which will be held downtown Brighton this year. Ms. Lowe would like any complaints to be addressed immediately. Ms. Carey stated that Ms. VanMarter received a complaint that evening, forwarded

it to her, and she called the resident immediately. Supervisor Rogers stated having only one complaint is a great accomplishment. He is glad the event is being held again this year. Ms. Lowe stated a letter was received by Mr. Doa suggesting having it at the Amphitheater downtown. Ms. Carey stated if it is there, they cannot charge admission like they can do here.

There was a question asking how the neighbors will know of the event. Ms. Carey said they will advertise the event, including putting it on social media. Ms. Hunt asked Ms. Carey to send the information to the township so they can assist with advertising.

Moved by Hunt, supported by Ledford, to approve the Certificate of License to conduct an outdoor assembly not to exceed 3,000 attendees on June 22, 2024 from 4:00pm to 10:00pm for the "Yellowstone Country Music Festival" to be located at Mt. Brighton Ski Resort, 4141 Bauer Road, Brighton, MI 48116, conditioned upon all requirements of the Genoa Charter Township Assembly Ordinance and as outlined in Ms. Ruthig's letter dated March 27, 2024. **The motion carried unanimously.**

8. Request for approval of a proposal from Dell for Township employee computer rotation at a cost not to exceed \$4,989.60 from Capital Outlay <\$5,000 fund #101-900-975-000 as requested by Adam VanTassell, IT/Facilities Director.

Moved by Lowe, supported by Skolarus, to approve the proposal from Dell for the purchase of six new workstations for \$4,989.60. **The motion carried unanimously.**

9. Request for approval of a proposal from Secure Tech Group for additional security cameras to monitor the Survivor park and basketball court area at a cost not to exceed \$12,303 from Parks and Recreation: Security Upgrades fund #208-751-934-013 as requested by Adam VanTassell, IT/Facilities Director.

Ms. Skolarus asked if a camera will be on the absentee ballot box as required by law. Supervisor Rogers stated it is already there. Ms. VanMarter stated that camera was in place prior to the drop box being installed as it was required by law. These cameras will provide a second view of the drop box and will also provide clear video of license plates, etc.

Moved by Lowe, supported by Skolarus, to approve the proposal from SecureTech for the purchase of six new cameras and equipment for \$12,302.13. **The motion carried unanimously.**

10. Request for approval of the Memorandum of Understanding with Howell Parks and Recreation (HAPRA) for park maintenance services and support for \$1,000 per month plus hourly rates for additional work orders and to eliminate the park trash collection Monday-Friday with Perfect Maintenance for cost savings to the Township of \$200 each month.

Mr. Kyle Tokan, the operations manager for Howell Parks and Rec was present and stated they have the personnel to assist with the needs due to the additions made to the township ~~H~~-site.

Moved by Lowe, supported by Croft, to approve the Memorandum of Understanding with Howell Parks and Recreation for park maintenance services and support for \$1,000 per month plus hourly rates for additional work orders and to eliminate the park trash collection Monday-Friday with Perfect Maintenance for a cost savings to the Township of \$200 each month. **The motion carried unanimously.**

11. Request for approval of the agreement and proposal with Perfect Maintenance Cleaning Services to include a third weekly cleaning of the Township Hall for \$1,100 per month.

Ms. VanMarter reviewed her memo to the Board.

Ms. Lowe noted that the township has recently begun to allow this board meeting room to be used free of charge and asked if that contributes to the need for additional cleaning. Ms. VanMarter agrees that renting the room does create some operational issues; however, if a policy and fee schedule were put in place, staff would need to oversee the process, the use of the building, collect the fees, etc.

Ms. Hunt noted that with the new Survivor Park and having this building being rented out, parking is an issue. Supervisor Rogers stated that the Survivor Park itself has required the need for additional parking.

Ms. Hunt added that there is a group that uses this room very often and that requires extra cleaning of the room and the restrooms. Until there is additional parking, she suggested that the larger groups are no longer allowed to use it.

Ms. VanMarter would like the additional cleanings to be approved, even if the building is not used by other groups.

Ms. Skolarus would like the township to hire a permanent cleaning person to clean the building and the outside grounds.

Ms. Hunt would like to continue the discussion regarding the use of the board meeting room.

Moved by Skolarus, supported by Hunt, to approve the Service Agreement with Perfect Maintenance Cleaning Services to include a third weekly cleaning of the Township Hall for \$1,100 per month. **The motion carried unanimously.**

12. Review of ACLU press release and letter to the Township Clerk regarding improper removal of voters.

Ms. Skolarus thanked Jeanine and Colleen for coming and voicing their support for her. She appreciates it. She received an email from Jeanine from Stand Up Livingston advising that they are a group of citizens who formed a team to investigate the Qualified Voter File (QVF). They investigate and find voters who may have moved and ask her to update the QVF. She noted that some residents are in the service or live out of the country and are still able to vote. She has prepared a large binder that has information that she has gathered regarding information from the ACLU, Secretary of State, Jeanine, allegations of voter fraud, articles from the New York Times, etc. She has a book based on a 1954 law. She has never received an updated book, except for information regarding early voting. She complied with the email from the ACLU and the Secretary of State. She places people on the challenged voter list until after two general elections.

Supervisor Rogers stated he asked to have this item on the agenda because he wants all of the Trustees to be aware of this in case questions arise from constituents or the media. Ms. Hunt feels badly that Ms. Skolarus is in the middle of Stand up Livingston and the ACLU. She wants to ensure that the township is following the law.

Ms. Skolarus stated that she has complied with the requests of the ACLU. Ms. Hunt wants to ensure that the other requests from them are done by the date of April 15, 2024. Ms. Lowe asked if anyone was denied the right to vote in February, and Ms. Skolarus stated, "no".

Ms. Iyer asked to speak to the board. She stated that Polly is doing her job conscientiously. She answers to the Secretary of State and her constituents. She thinks the ACLU is out of line and she does not believe Polly needs to comply with their requests. She must comply with the federal voter law and have a clean voter roll. She noted that she is already understaffed.

Mr. Seward stated the requirements of the statutes are very specific with a challenged voter and what has to be done. He wants to ensure that the proper mailings have been done and that voters have not been removed from the QVF without the proper and correct information. Ms. Skolarus stated she has herself and one other part time employee in her office, so it is very difficult to meet all of these requirements. She has asked the Board for additional employees and has been denied. Ms. Hunt stated there are two part-time employees in the clerk's office. Ms. Lowe noted that Human Resources recommended that a new employee not be hired at this time.

Ms. Skolarus stated she has to send Registered Mail to the voters and they cost \$5.00 each, and she did not want to spend that money. Supervisor Rogers advised Ms. Skolarus that is not her decision to make. Ms. VanMarter asked if the Clerk has ever sent the required registered or

certified mail. Ms. Skolarus responded that she has not. There was a discussion regarding what mailings must be done and what voters can or cannot be removed from the QVF based on the information that she has and the statutes. Ms. Skolarus stated this is a very complicated process and she wants to make sure it is done properly. She wants to address all of the questions and concerns brought to her by the residents, the ACLU, and the Secretary of State.

Ms. VanMarter appreciates the residents helping to ensure that the voter files are accurate. The township should address the information that was brought to it. Everyone has the same goal, which is accurate voter files.

Ms. Skolarus stated a resident in Genoa Township voted twice- in the last election. She voted as an absent voter and then she went to the polls. The person who was working at the polls overrode the note that stated she voted absentee, and she was issued a ballot and voted. She spoke to the County and this happened with five or six people who also did this in the State of Michigan.

Correspondence

Ms. VanMater reviewed the letter that she sent to residents on Debora Drive. Some residents there are seeking to have it repaved, so she is having an informational meeting to present it to the neighborhood.

Member Discussion

Supervisor Rogers questioned the status of the Pine Creek SAD. Ms. VanMarter stated that the Michigan Tax Tribunal has provided preliminary support of this SAD. Once it has been filed, the applicants would be able to file an appeal. She will be bringing this back to the Board for review.

Ms. Skolarus stated she wanted to have changes made to the Member Discussion portion of the minutes of the March 18 meeting. She wants the word "lessened" changed to "deleted", "these voters" changed to "some voters" and "She prefers to wait 12 years before she removes voters." changed to "She prefers to wait until after the presidential election this coming November before removing any voters from the Qualified Voter File". Also, she understands that people believe the election was stolen but no one in the township who voted was dead.

Ms. VanMarter stated the township received the keys to the Lyle Herbst home. She will be reaching out to the Board so each of them can have a tour of the house. Supervisor Rogers stated they will be visiting the home with the building department and Brighton Area Fire Authority.

Adjournment

Genoa Charter Township Board Meeting

April 1, 2024

Approved Minutes

Moved by Hunt, supported by Lowe, to adjourn the meeting at 8:26 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas
Recording Secretary

Approved: Paulette Skolarus, Clerk
Genoa Charter Township

Bill Rogers, Supervisor
Genoa Charter Township