

GENOA CHARTER TOWNSHIP BOARD
Regular Meeting
December 2, 2024
MINUTES

Call to Order

Supervisor Spicher called the regular meeting of the Genoa Charter Township Board to order at 6:30 pm at the Township Hall.

Invocation

Supervisor Spicher led the invocation for the Board and the members of the public.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call

The following members were present constituting a quorum for the transaction of business: Kevin Spicher, Janene Deaton, Candie Hovarter, Robin Hunt, Bill Reiber, Rick Soucy, and Todd Walker.

Also present was Township Manager Kelly VanMarter and 19 people in the audience.

Call to the Public

Supervisor Spicher explained the new procedure for the call to the public. Anyone wishing to speak will fill out the sign in sheet located on the table near the front door. The recording secretary will call each person's name and they will have three minutes to speak.

The call to the public was opened at 6:32 pm.

Mr. Matt Peavy lives in Oceola Township but he has properties in Genoa Township. He spoke to the resolution on tonight's agenda to increase the Clerk's salary from \$57,505 to \$67,254. That is a 16.95% increase and it is unacceptable for the first week on the job. He believes the Clerk is here to serve the residents and not for the residences to serve her. The new board members ran on no big businesses, but big businesses would bring no burden to the school system, but building new homes does.

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Ms. Deb Beattie, the Co-Director of the Coalition to Stop the Latson PUD, spoke on behalf of their 600 members, congratulating and welcoming the new board members. They have replaced a board that was complacent and represented businesses. This board has the power to shape the future of the township. The coalition will continue to fight for appropriate development in the right locations and where it will not have a detrimental effect on the residents of Genoa Township.

Mr. Jeff Dhaenens of 5494 Sharp Drive congratulated the board. He appreciates that all of them have stepped up. If anyone has any questions or concerns, he is here for them. He urged the board to listen to the township staff. They are the people who listen to the residents every day. They have great ideas. He advised the board to remember that as elected officials, they are not able to respond to social media. Criticism comes with the job so be prepared. He knows that the practice is to have the Clerk's and Treasurer's salaries be the same, but it is premature to do it after 12 days. Perhaps it makes sense in the future.

Ms. Deborah Tyler is a Genoa Township resident and a member of the Livingston County League of Women Voters. She attends the meetings as part of their observer project.

The call to the public was closed at 6:39 pm.

Items for Discussion

Supervisor Spicher stated this is the part of the meeting where board members will present items that they wish to speak about. They will not be action items.

There were no items to discuss this evening.

Approval of Consent Agenda:

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

1. Payment of Bills: December 2, 2024

2. Request to approve the November 18, 2024 regular meeting minutes.

Approval of Regular Agenda:

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

3. Consideration of a recommendation for approval of an Environmental Impact Assessment (5/19/16) corresponding to a site plan for completion of a private road to phase two of the Misty Meadows Subdivision. The property is located on the West side of Latson Road, south of Crooked Lake Road. The request is submitted by GFG Investment Properties.

Mr. Brent LaVanway of Boss Engineering was present to represent the applicant. He provided a review of the project and noted that the Planning Commission recommended approval at their previous meeting.

Mr. Reiber stated the last time there was an environmental impact assessment done was in 2016. He asked if there is a statute of limitations on them. Mr. LaVanway stated that the project is the same as it was in 2016, so it was not updated.

Ms. Hunt stated members of the Planning Commission were concerned with the Declaration of Restrictive Covenants section. Mr. LaVanway stated the applicant will agree with any changes that the township attorney would suggest.

Supervisor Spicher questioned if the two residents who have already purchased property have approved of the road changing from paved to gravel. Ms. VanMarter stated that the agreement allows for this to change, and the two lots were sold back to the developer so he owns them and has control.

Moved by Hunt, supported by Soucy, to approve the Environmental Impact Assessment dated May 19, 2016 for phase 2 of Misty Meadows Private Road, with the following conditions:

1. The Declaration of Restrictive Covenants be reviewed by the township attorney and any necessary amendments be made by the applicant.

The motion carried unanimously.

4. Consider approval of the Township Supervisor's appointment of Bill Reiber to the Township Planning Commission as the ex officio member with a term ending 11/20/28.

Moved by Hunt, supported by Soucy, to approve the Township Supervisor's appointment of Bill Reiber to the Township Planning Commission as the ex officio member with a term ending November 20, 2028. **The motion carried unanimously.**

5. Consideration of a request for approval of the following appointments:

- a. **Zoning Board of Appeals term ending 11/20/28: Rick Soucy**
- b. **SEMOG term ending 11/20/28: Todd Walker and Rick Soucy (alternate)**
- c. **Genoa-Oceola Sewer & Water Authority term ending 11/20/28: Robin Hunt and Kevin Spicher**

- d. **Howell Area Parks & Recreation term ending 11/20/28: Candie Hovarter and Todd Walker (alternate)**
- e. **MHOG Water Authority term ending 11/20/28: Robin Hunt and Kevin Spicher**
- f. **FOIA Coordinator term ending 11/20/28: Kelly VanMarter**
- g. **Brighton Fire Authority term ending 11/20/28: Kevin Spicher and Todd Walker**
- h. **Election Commission term ending 11/20/28: Rick Soucy and Candie Hovarter**

Moved by Deaton, supported by Hovarter to approve the following appointments:

- Zoning Board of Appeals term ending 11/20/28: Rick Soucy
- SEMCOG term ending 11/20/28: Todd Walker and Rick Soucy (alternate)
- Genoa-Oceola Sewer & Water Authority term ending 11/20/28: Robin Hunt and Kevin Spicher
- Howell Area Parks & Recreation term ending 11/20/28: Candie Hovarter and Todd Walker (alternate)
- MHOG Water Authority term ending 11/20/28: Robin Hunt and Kevin Spicher
- FOIA Coordinator term ending 11/20/28: Kelly VanMarter
- Brighton Fire Authority term ending 11/20/28: Kevin Spicher and Todd Walker
- Election Commission term ending 11/20/28: Rick Soucy and Candie Hovarter

The motion carried unanimously.

6. Request for approval of Resolution 241202A to increase the salary of the Township Clerk from \$57,505 to \$67,254. (Roll Call)

Ms. Hunt stated this should not be viewed as a raise. This is reestablishing the Clerk's salary back to where it would have been if the previous Clerk's salary hadn't been frozen. Ms. Deaton is taking back the duties that were taken away from the previous Clerk. She is in favor of this resolution.

Supervisor Spicher stated that employees that had been moved from under the Cler's oversight have been moved back under her supervision.

Ms. Deaton stated she is working hard to bring integrity back to elections and work within the budget.

Moved by Walker, supported by Soucy, to approve Resolution 241202A to increase the salary of the Township Clerk from \$57,505 to \$67,254. **The motion carried unanimously with a roll call vote (Hovarter - yes, Soucy- yes, Deaton - yes, Spicher - yes, Hunt - yes, Reiber - yes, and Walker- yes).**

7. Consideration of a request to authorize the Township Supervisor to execute a Letter of Engagement with Foster Swift to represent the Township's interests in an appeal of an Order issued by the Michigan Public Safety Commission regarding Public Act 233.

Supervisor Spicher stated that this item was brought to their attention by Mr. Reiber and he worked with the previous board to become one of six other townships in Livingston County to be part of this appeal. This specific one is regarding solar ordinances, but it is more about local government having control whenever possible.

Ms. Deaton asked if there could be a temporary maximum attorney's fees budget for this. Mr. Reiber stated they have discussed this issue previously and have set a limit for each township to spend \$10,000 on the legal fees. If more is needed, it would come back for approval.

Moved by Reiber, supported by Walker, to authorize the Township Supervisor to execute a Letter of Engagement with Foster Swift to represent the Township's interests in an appeal of an Order issued by the Michigan Public Safety Commission regarding Public Act 233 with a maximum limit of \$10,000 to cover attorney's fees and then will need to receive further board approval. **The motion carried unanimously with a roll call vote (Walker - yes, Reiber - yes; Hunt - yes; Spicher - yes; Deaton - yes; Soucy - yes; Hovarter - yes).**

8. Request for approval of Resolution 241202B to establish the 2025 Regular Meeting Dates for the Board of Trustees. (Roll Call)

Moved by Walker, supported by Hovarter, to approve Resolution 241202B establishing the 2025 regular meeting dates for the Board of Trustees. **The motion carried unanimously with a roll call vote (Hovarter - yes, Soucy- yes, Deaton - yes, Hunt- yes, Reiber- yes, Walker- yes, and Spicher - yes).**

9. Request for approval of the 2025 Township Schedule of Meetings and Holiday Schedule.

Ms. VanMarter stated the township has a floating holiday that is typically used for presidential or gubernatorial elections. There are neither of those in 2025, so it is being suggested this be used for the day after Christmas.

Moved by Walker, supported by Deaton, to approve the 2025 Township Meetings and Holiday Schedule. **The motion carried unanimously.**

10. Delivery of the first draft of the 2025/2026 Budget as required by MCL 42.24 as provided by the Township Supervisor (packet was delivered on 11/26/24).

Ms. VanMarter stated the township's fiscal year starts on April 1, but the law requires that the preliminary draft budget be delivered to the board 120 days prior. It was distributed last week with the packet. It will continue to be refined, will be discussed at future meetings, and there will be a public hearing in January or February. Comments and questions should be directed to staff.

Mr. Reiber questioned the line items related to parks and rec, noting voters recently approved a millage increase that will give Howell Parks and Recreation over \$1 million in revenue. He asked if any of the township's budget items were also in the parks and rec's budget that would be paid for by the millage. Ms. VanMarter agrees with that question. She will look through the township's budget and see how it relates to the Howell Parks and Recreation millage budget.

11. Review of Fiscal Year 2024-2025 Second Quarter (July-September) budget to actual report.

Ms. VanMarter stated the report that was in the packet was incorrect. Each board member has a copy of the correct one at their place this evening. She will also send a copy via email and update the packet on the website. She and staff are always available if there are questions or concerns about anything in the document.

12. Consideration of a request to broadcast the Township Board meetings.

Mr. Reiber thinks broadcasting the board meetings is a good idea and a way to increase communication and transparency. Mr. Walker agrees.

Mr. Soucy asked what the cost was and how it would be budgeted. Ms. VanMarter has met with the township's contractor who performs all of the audio visual work, and he said that he could install basic equipment for less than \$5,000. This would include one camera and a direct audio feed for streaming. She noted there were concerns with camera placement due to the height of the ceiling and this room. Also, this room is used for early voting and the absentee voter counting board. The activities on either of those days are not allowed to be recorded so this could cause some issues. There are also closed sessions of the board held here so everyone would need to be cognizant of the camera and the streaming during those times. There are some funds under the general government budget that can be used to pay for the upgrades.

Mr. Walker noted there may be a grant for this. Ms. VanMarter stated the township has revenue agreements with Comcast, Charter, and WOW. These revenues or PEG Fees are from cable television so they could be used if the meetings were broadcast over a cable channel, but she is unsure if they can be used if they are streamed on YouTube.

Ms. Hunt would like to spend the least amount of money and see how much it is used. She would not recommend allowing public comments or chats during the meetings.

Supervisor Spicher stated other local communities use YouTube. He agrees to start at the least amount.

Mr. Soucy agrees to do the minimum amount and see how much it is used.

Ms. VanMarter asked which township boards and commissions would be streamed live. Supervisor Spicher would like the Planning Commission meetings broadcasted, but not the Zoning Board of Appeals. Having them recorded would allow for the public to not only view the meeting as it is occurring, but they can go back and view previous meetings.

The board decided to begin to broadcast the meetings and have the township's audio and video contractor install a camera.

Moved by Soucy, supported by Reiber, to approve obtaining a camera to implement live broadcasting of Township Board and Planning Commission meetings at a cost not to exceed \$5,000. **The motion carried unanimously.**

13. Request to approve a clarification pertaining to the Employee Handbook to define Exempt and Non-Exempt employees and to include provisions related to access to Clerk's offices and storage rooms.

Ms. Deaton wanted the definitions of exempt and nonexempt employees and clarify that the Deputy Clerk is a non-exempt employee. She also wanted to ensure that the Clerk and Deputy Clerk are the only ones who have access to the election storage room, Clerk's office, deputy Clerk's office, and ballot storage room. She has changed the locks. .

Mr. Soucy stated there were questions he had regarding severance packages that were changed recently. Human Resources told him that studies were done that led them to the methodology and amounts, but she did not have proof of that research. He spoke to a Michigan Townships Association (MTA) attorney and they said it is not customary for township employees to have severance packages. It would be in the contracts that are for high end township employees. What is in the employee handbook is very excessive and should be revised. He would like to explore a more reasonable approach.

Mr. Reiber made a motion that we strike the severance pay policy from the employee handbook and Ms. Hovarter supported it. Ms. Hunt stated it is not on the agenda so you cannot vote on it. And he asked to have it placed on the agenda and Ms. Hunt stated that it cannot be added to the agenda because the agenda has already been approved.

Ms. Hunt stated the township staff is long standing and unless the board is considering firing anyone, she does not feel it is necessary to be changed. Ms. VanMarter stated that exempt employees are long-term management and department head employees and severances do not apply to the majority of staff. Most Genoa Township employees do not have contracts and are all treated under the Employee Handbook. She has other township managers' contracts and this severance is not unreasonable. This would be a situation where someone is being let go for no reason, and not because they are not doing a good job. That employee also needs to sign an

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agreement that they would not file anything against the township for wrongful termination. Mr. Soucy stated there are no plans for any employees to be terminated, but it is not financially responsible.

Mr. Reiber agrees that it should be revised. He would support taking that language out of the handbook tonight and then adding it to a future agenda.

Ms. VanMarter suggested voting on the item on the agenda this evening and then direct staff to review the Employee Handbook and return with more information at a future meeting.

Moved by Reiber, supported by Hovarter, to approve the Clarification of Employee Handbook terms and Election Storage Room Security on December 2, 2024 and to direct staff to provide justification documentation related to severance amounts, and allow board members to state additional objections to recent changes at a future meeting. **The motion carried unanimously.**

Correspondence

Ms. VanMarter included a flier from the Michigan Township Association encouraging members to contact state representatives to oppose house bills that will make it harder for local governments to control sand and gravel mining in their communities.

Board Comments

Ms. Deaton stated that Livingston County has a total of 168,904 registered voters and 133,281 voted in the last election, this is a 78.91 percent voter turnout, which is the highest ever in the county.

Ms. Hunt stated that winter tax bills were mailed out on Wednesday November 27.

Adjournment

Moved by Hunt, supported by Deaton, to adjourn the meeting at 7:53 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas
Recording Secretary

Approved: Janene Deaton
 Genoa Charter Township

Kevin Spicher, Supervisor
Genoa Charter Township