

(corrected)
GENOA TOWNSHIP
Public Hearing and Regular Meeting
March 15, 2004

MINUTES

Supervisor McCririe called the regular meeting of the Genoa Township Board to order at 7:00 p.m. The Pledge of Allegiance was then said. The following board members were present constituting a quorum for the transaction of business: Gary McCririe, Paulette Skolarus, Robin Hunt, Todd Smith, Anthony Combs, Jim Mortensen and Jean Ledford. In addition there were Township Manager Michael Archinal, Township Attorney Rick Heikkinen and approximately 60 persons in the audience.

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

A call to the public was made with the following response: A. Messing – It is my understanding that the Oak Pointe Marina might request a PUD amendment changing the number of power boats allowed on that marina. The Tri-Lakes association opposes such an amendment. McCririe – If they make an application, they will go the Planning Commission for a public hearing and recommendation to the township board.

Consent Agenda:

- 1. Payment of Bills.**
- 2. Approval of Minutes of March 1, 2004.**
- 3. Request for approval of funding for SELCRA in the amount of \$33,153.00 as requested in their March 4, 2004 memo.**
- 4. Request for approval of amendments for the operations, maintenance and management services with OMI and Genoa Township:**
 - A. Amendment No. 1 concerning customer service and billing at a cost of \$143,463.00 for the second year of the agreement.**
- 5. Request for approval of salaries for election officials for the August Primary and November General Election in the amount of \$150.00 for election official, \$175.00 for chairman and co-chairman and \$10.00 per hour for processing of Absent Voters as recommended by the Administrative Committee.**
- 6. Request for approval to correct an application for a Class C Liquor License as requested by Edmond Mourad for an existing restaurant (Big Boy) located at 2222**

W. Grand River, Howell, MI 48853, changing the approval application from Edmond Mourad to Mourad Brothers, Inc.

7. Request for approval to transfer stock (2001 licensing year) in 2003 Class C licensed business with dance-entertainment permit, located at 5768 E. Grand River, Howell, MI 48843, Genoa Township, Livingston County, by dropping Gregory F. Ford (deceased) as stockholder through transfer of his 18,000 shares of stock to the Gregory F. Ford Declaration of Trust; Robert E. Parker, Second successor Trustee (Step II), for F.H. & L. Development, Inc. (Lake Pointe Manor)

8. Request for approval to support the Recycle Livingston Public Works Solid Waste Challenge Grant covering the cost for Genoa Township residents up to a maximum of \$1,000.00.

Moved by Ledford, supported by Mortensen, to approve the Consent Agenda as presented. The motion carried unanimously.

Action Items for Discussion:

9. Consideration of a request to accept a letter of resignation from Hilda Kirsch after 22 years of service to Genoa Township.

The township board regretfully accepted a letter of resignation from Ms. Kirsch. McCririe presented a plaque to Hilda honoring her work at Genoa Township as deputy treasurer under Lucille Glynn and as secretary in the assessing department.

10. Public Hearing on the grant application and presentation of the site plan for the construction of two soccer fields on the property just east of the township hall.

The plan includes the construction of two soccer fields on the Genoa Township Hall site. It also includes a bike path and fishing pier along with 118 additional parking spaces.

A call to the public was made with the following response: Julie Hall (Director of SELCRA) – We have 1500 players in soccer recreation. This will be a wonderful addition to the playing fields already in use. Rick Zaler – We should also make use of the land for other sports such as baseball or basketball. Glen Miller – The pond should be at least 18 feet in depth to accommodate fishing. Archinal – Part of the plan is to dredge the two ponds.

Moved by Skolarus, supported by Mortensen, to approve a resolution of endorsement for the Township Hall Park Michigan Natural Resource Trust Fund Grant Application.

11. Continuation of 1st Public Hearing on the Baetcke Lake aquatic weed/lake control petition. (Please pull related material from your March 1, 2004 regular meeting of the Board.)

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Wendy Peterson presented the request on behalf of property owners of Baetcke Lake. We have been besieged by incorrect information. This petition represents the most valuable thing that we own – our homes. Reference was made to the Township Zoning Ordinance Section 3.7 that addresses wetland protection. This board has been long on record for preserving natural resources such as Baetcke Lake. Baetcke Lake is unique in that it is only one of two lakes that are down in this area. Our hydrologist talked about the City of Brighton Well, Mt. Brighton, Oak Pointe and the Jackal as perhaps being the cause of this problem. Perhaps the liability is from pervious permitting. We, on Baetcke Lake, have the most to lose. We are committed to the notion that this lake is not coming back.

The D.E.Q. letter does not say that they are not in favor of augmentation wells but in fact says that they do not advocate the implementation of such wells. The Health Department has been out to the site and said that they will give a permit for a preliminary test well. We are not in an eight-year drought. Michigan is the second wettest state in the union. SEMCOG also determined the following: year 2000 – 47” of rain, year 2001 – 44” of rain and 2002 – 35” of rain.

It was first estimated that we would need 43 million gallons of water to bring the lake back up. That determination was based upon 40 acres. The lake is actually 35 acres and is up this spring after all the snow melted. We would now need 19 million gallons of water to return our lake to normal. Item no. 13 on the agenda will allow for 304 dwelling units just south of Brighton Road. They will need 48 million gallons of water each year (drawn from the same aquifer). That water will not return to the same aquifer but will be piped out of the watershed and down Chilson Road.

Oakland County implements 53 augmentation wells. We do not want to improve our property values; we just want to preserve them. Please do the right thing and pass the resolution as originally presented.

Elizabeth Swift – I have been a resident since 1961 and my family has owned this property since 1923. You have allowed unbridled development that has impacted our lake. Triangle Lake has had an augmentation well in place since the 1960’s. They have used that well for 40 years and not one well has gone dry.

Peter Liesecki – I have lived here for 20 years. I cannot say anything more impressive than what Ms. Peterson has said. This situation is gut wrenching to us. Our marine life is being devastated. Please listen to the information that is being provided to you. We want our grandchildren to play in that lake. We need your approval.

Messing – In recent years the lake level of the Crooked Lakes has been down. Last year it was back to normal. However, Round Lake and Baetcke are down and they are close together. Perhaps the township should determine just what is causing this problem. Bill Wernette – A large amount of ground water is being used for lawns and golf courses. The township should look into that. Jeff Keeney – I have a 38’ well on Sundance and I

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am very concerned. I would expect the township to pay me should I lose my well. Letters of objection were received from Paul B. Karty, Richard Zahler and Patricia Petrat.

Moved by Skolarus, supported by Mortensen, to approve Resolution No. 2 for the Baetcke Lake project. The motion failed as follows: Aye – Skolarus. Nay – Ledford, Smith, Hunt, Combs, Mortensen and McCririe.

12. Public Hearing on the Grand River sewer service special assessment district for 1200 feet of property along Grand River, west of Kellogg Road.

A. Call to property owners and the public.

Letters of objection were received from Erwin C. Campbell and Martha M. Borgen. A letter from Dickinson Wright (attorney for Glen Miller) was received asking that more of his property be included in the district. It is estimated that construction will begin in the spring with the first assessment being included on the December 2004 tax bill.

A call to the public was made with the following response: Cory Bordine – We are in support of this project. The Township Board took no further action.

13. Consideration of a request to rezone from AG (agricultural) to Mixed Use PUD (residential Planned Unit Development) and grant approval of the Site Plan, impact assessment, conceptual PUD plan, and PUD agreement as related to a 191 acre parcel (Preserve of Genoa) located south of Brighton Road and east of Chilson Road, Section 33 & 34, petitioned by Crescendo Homes as discussed by the Planning Commission on 01/26/04. (Please pull information from your March 1, 2004 board packets.)

A. Disposition of request to rezone.

Moved by Ledford, supported by Mortensen, approving the rezoning as requested. The motion carried as follows: Ayes – McCririe, Hunt, Smith, Mortensen, Combs and Ledford. Nay – Skolarus.

B. Disposition of conceptual PUD plan.

Moved by Ledford, supported by Mortensen, approving the conceptual PUD Plan with the following conditions:

1. Approval by the Fire Department or elimination of their concerns.
2. It will be revised to show front yard setbacks for the attached residential units.
3. MDEQ confirmation of the status of the wetlands on the site.
4. Requirements of the Township Engineer as stated in their letter dated January 21, 2004 will be met with the following exceptions or eliminations:
 - a. A turning radius of 210 is acceptable.
 - b. No new traffic impact study will be required.
5. Acceleration and deceleration lanes and bypass and/or turning lanes in the vicinity of the site will be required by the road commission and the expense of which shall be born by the petitioner.
6. A bike path shall be constructed along the site frontage at such time as 90% of the

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units within the development shall be sold. The township attorney and staff shall deem the financial mechanism acceptable. Further, the Township Attorney and the Developer Attorney will negotiate a settling of the issue of ownership.

The motion carried as follows: Ayes – McCririe, Hunt, Smith, Mortensen, Combs and Ledford. Nay – Skolarus.

C. Disposition of PUD agreement.

Moved by Ledford, supported by Mortensen, approving the PUD agreement rezoning with the following conditions:

1. A financial mechanism will be established in the Master Deed and condominium agreement for the maintenance and snow removal for the interior roads by the developer and condominium association.
2. Any contamination shall be cleaned up to meet the State of Michigan residential standards.
3. Approval by the Township Board of the PUD Rezoning Application, Conceptual PUD Plan, and Impact Assessment
4. Review and approval of the PUD Rezoning Application, Conceptual PUD Plan, and Impact Assessment by the Township Attorney.
5. A financial mechanism will be established by the petitioner to ensure sufficient funds will be available when improvements to the Brighton and Slip Roads intersection are made to restore it to the level of service existing prior to the construction of the development.
6. Section 2.3 shall have the following added “A left turn and/or bypass lane and acceleration and deceleration lanes required along Chilson Road will be constructed at the developer’s expense”.
7. Section 2.4 shall have the following added as the third sentence “Utility easements satisfactory to the Township Engineer will be provided and recorded”.
8. Section 2.5 shall read “Developer shall have the right to assign its obligations under Section 2.4 with respect to installation of a five-foot wide concrete sidewalk to builders of homes.....”
9. Section 2.6 – the first sentence shall read, “The PUD will be developed with public sanitary sewers and water mains as approved by Genoa Township Standards, subject to “
10. Section 2.6 shall have the following sentence added, “In addition, the PUD development will be part of a special assessment district for the upgrade of the water and sewer systems”.
11. Section 2.8 shall be deleted.
12. Section 3.2, second sentence shall read, “The Township will exercise its best efforts to complete such sanitary sewer and water improvements on or before _____”. The remainder of the section shall be deleted.
13. Section 3.3 shall read “The Township shall accept all water and sewer improvements, exclusive of roads, dedicated to it by Developer...”
14. The following sentence shall be added to the end of Section 3.4. “Two-story, single-family homes will be a minimum of 2,500 square feet and ranch-style homes will be a minimum of 2,000 square feet.”
15. Section 3.5 shall be changed to read, “Final Site Plan review by the Planning

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Commission will be a public hearing”.

16. The following sentence will be added to the end of Section 4.3. “Condominium by-laws shall include provisions for landscape maintenance and replacement”.

17. The following sentence will be added to the end of Section 5.1. “The Master Deed and condominium association rules will be reviewed by the Planning Commission and Township Attorney at the time of Final Site Plan approval”.

18. No street lights will be permitted, except at the entrance sign.

19. The following sentence shall be added to section 6.1 “No detached accessory buildings shall be permitted on any lots”

20. Section 6.2 shall be changed to read, “All decks may extend a maximum of 15 feet into the rear yard and will conform to principal structure side yard setbacks.

21. Section 6.4 shall have the following second and third sentences added, “Two-story, single-family homes will be a minimum of 2,500 square feet and ranch-style homes will be a minimum of 2,000 square feet. At least 75 percent of the front and 50 percent of the sides and rear facades will be brick”.

22. The final Site Plan shall designate conservation areas and the Master Deed shall provide for the preservation of these areas in a natural state in perpetuity through legal mechanism such as a conservation easement.

23. The township attorney will review and approve the final agreement before adoption. The motion carried as follows: Ayes – McCririe, Hunt, Smith, Mortensen, Combs and Ledford. Nay – Skolarus.

D. Disposition of impact assessment.

Moved by Ledford, supported by Mortensen, approving the impact assessment with the following conditions:

1. Dust control measures to be utilized during construction shall be added.

2. Section F shall read, “The development is expected to produce 300 new homes producing about 1,050 residents. (Assuming 3.5 persons per home) and there will be a corresponding impact on schools, fire and police services, and traffic.

The motion carried as follows: Ayes – McCririe, Hunt, Smith, Mortensen, Combs and Ledford. Nay – Skolarus.

Moved by Mortensen, supported by Ledford, to allow a correction to the liquor license granted to Bennigan’s. The new approval shall read “The Sweet Onion, Inc. doing business as Bennigan’s Restaurant”. The motion carried unanimously.

The public hearing and regular meeting of the board was adjourned at 9:10 p.m.



Paulette A. Skolarus
Genoa Township Clerk