

GENOA TOWNSHIP BOARD

Regular Meeting

August 5, 2002

MINUTES

A regular meeting of the Genoa Township Board was called to order by Supervisor McCririe at 7:00 p.m. at the Genoa Township Hall. The Pledge of Allegiance was then said. The following board members were present constituting a quorum for the transaction of business: McCririe, Skolarus, Hunt, Ledford, Smith, Combs and Mortensen. Also present were Township Manager Michael Archinal, Township Attorney Rick Heikkinen and ten persons in the audience.

Moved by Hunt, supported by Mortensen, to add item 5 concerning Lowes, Home Depot and WalMart. Further, to add item D to Administrative Committee recommendations.

A Call to the Public was made with no response.

1. Presentation by Ken Palka, concerning a recommendation for an increase in the utility rates and new user rates for water and sewer for MHOG, GO, Oak Point, Lake Edgewood and Pine Creek.

A. Moved by Smith, supported by Mortensen, to approve the proposed rates for MHOG Water from \$3,100.00 to \$4,100.00 and G/O Sewer from \$3,500.00 to \$4,500.00. Site plans approved prior to this date will be charged the rate previously approved. The motion carried unanimously.

B. Moved by Mortensen, supported by Combs, to approve a \$.20 increase for metered sewer (\$4.18 per 1,000 gal.) and metered water (\$1.64 per 1,000 gal), and a \$10.00 quarterly increase for flat sewer for Oak Pointe. These rates will be effective with the November 2002 billing. The motion carried unanimously.

C. Moved by Ledford, supported by Smith, to approve a \$.20 increase for the conference center metered rate to \$2.60 per 1,000 gal., a \$.16 cent increase for other metered water to \$3.15 per 1,000 gal a \$.14 increase for metered sewer at \$5.06 per 1,000 gal., and a \$10.00 quarterly rate increase to the flat sewer fee for Lake Edgewood. The rates will be effective with the December 2002 billing. The motion carried unanimously.

D. Moved by Skolarus, supported by Ledford, to approve a \$.12 increase for metered water to \$2.20 per 1,000 gal, an \$.18 increase for metered sewer to \$2.78 per 1,000 gal, a reduction in the water connection fee from \$4,518.00 to \$3,916.00 per REU, and a \$1,309.00 increase for the sewer connection fee from \$3,609.00 to \$4,918.00 for Pine Creek usage. The rates will be effective immediately. The motion carried unanimously.

2. Request for approval of a resolution from F.H. & L. Development, Inc. (Lake Pointe Manor) to transfer stock (2001 licensing year) in 2002 Class C licensed business with Dance-Entertainment Permit by dropping Gregory F. Ford, deceased, as stockholder thru transfer of his 18,000 shares to Gregory F. Ford Declaration of

Trust, Richard Gillikin, Successor Trustee located at 5768 E. Grand River, Howell, MI 48843, Genoa Township, Livingston County.

Moved by Skolarus, supported by Smith, to approve the change in ownership as requested. The motion carried unanimously.

3. Consideration of a request to rezone property located in the Grand Oaks Commercial Park lot #4, section 5, from GCD (General Commercial District) to IND (Industrial District) as petitioned by Schonsheck, Inc. and reviewed by the Planning Commission on 06-10-02.

Moved by Skolarus, supported by Hunt, to approve the rezoning request as submitted. The motion carried unanimously.

4. Request for approval of an environmental impact assessment, special use permit and site plan for a proposed 29,827 square foot addition to an existing building located in Section 5, Grand Oaks Industrial Park, on the east side of Grand Oaks Ave. and south of Grand River Ave., petitioned by Schonsheck and Kraft Auto Spa as discussed by the Planning Commission July 8, 2002.

The board received a letter from Accu-Temp owners Robert and Michelle Hutchison. The letter raised an issue of excessive smoke and fumes coming from the Kraft building. It was the consensus of the board that some members would visit the site to further understand the operation of the facility and that a toxicologist from Tetra Tech would be contacted concerning the issues raised by the adjoining property owner. Moved by Skolarus, supported by Hunt, to table the petition until the next regular meeting of the board. The motion carried unanimously.

5. Discussion with attorneys representing WalMart, Lowes and Home Depot concerning violations with regard to outdoor sales.

Heikkinen - I met with VanTassell and the attorneys for the above mentioned facilities concerning the continuing violations with regard to outdoor sales. It is my recommendation that we enter into an agreement with three retailers and provide a ten-day cure period before legal action is taken.

Richard Rattner (Lowes) - We want to operate the company within the spirit of the ordinance. We want to be a good neighbor within this community. McCririe - There should be a zero tolerance remedy. The ten days would allow continued violation for short periods with no solution to our dilemma.

Sherman Zynker (WalMart) - We won't have any violations in the future. The boat and hot tub show was a miscommunication at the corporate level. Tyler Tennent (Home Depot) - We are not part of the PUD but must comply with the ordinance which allows ten days for cure period. You have our attention now.

With further discussion, it was determined that a 48-hour notice would be given and would be turned over to the township attorney if no immediate response. Heikkinen would then allow 48 hours before entering a lawsuit against the offender. Tennent - Communication with our managers is definitely an issue. We take this issue very seriously.

Skolarus - I would recommend that language be posted on the building stating that the Township Zoning Ordinance does not allow sales beyond these premises. VanTassell - We need to go beyond the compromise and put something into place to eliminate future violations. McCririe - The reason that you are here is because you haven't abided by the township ordinance or the PUD agreements. We appreciate the cooperation you have extended today.

It was the consensus of the board that Heikkinen will put together the necessary agreements to settle this dispute in an amicable manner. These agreements will be submitted to the Township Board at the next regular meeting 08-19-02 for review and approval.

6. Request for approval of a revised PUD ordinance and the Cluster Ordinance as a footnote to the Schedule of Regulations as discussed by the Planning Commission 06-24-02 and recommended for approval by County Planning.

Moved by Ledford, supported by Hunt, to approve the residential cluster ordinance with the language as submitted and recommended by the Planning Commission. The motion carried unanimously.

Moved by Ledford, supported by Smith, to remand to the Planning Commission the 20-acre minimum requirement and ask for their consideration of a 10-acre minimum requirement for a PUD. The motion carried unanimously.

7. Consideration of a recommendations from the Administrative Committee for purchases and/or contracts:

A. Award if a bid to T K Precision, Inc. to paint the water building at Oak Pointe at a cost of \$3,750.00.

Skolarus advised the board that she would not enter into discussion of this petition because of a conflict of interest. Moved by Smith, supported by Ledford, to approve the bid as submitted. The motion carried with Skolarus abstaining.

B. The purchase of ten benches at a cost of \$6,170.00.

Moved by Mortensen, supported by Combs, to approve the purchase as requested. The motion carried unanimously.

C. The purchase of a "Large Plan" file at a cost of \$3,800.00.

Moved by Skolarus, supported by Smith, to approve the purchase as requested. The motion carried unanimously.

D. The purchase of maps for the township at a cost of \$3,200.00.

Moved by Ledford, supported by Mortensen, to approve the printing (with First Impression) of 2000 township maps at a cost not to exceed \$3,200.00. The motion carried unanimously.

8. Request for approval of a Civil Infraction Ordinance No. 020805 as prepared by Heikkinen and recommended for approval by the Administrative Committee.

Moved by Smith, supported by Ledford, to approve the Civil Infraction Ordinance as submitted. The motion carried unanimously.

9. Request for approval of an enhanced access to public records policy as requested by the county.

Moved by Smith, supported by Hunt, to approve the enhanced access to public records policy as requested. The motion carried unanimously.

10. Request for approval of contracts with the Livingston County Road Commission for improvement to Bauer and Hubert.

Moved by Mortensen, supported by Combs, to approve the contract with the LCRC for Bauer Road at a cost not to exceed \$14,250.00 plus 10%. The motion carried unanimously.

Moved by Ledford, supported by Smith, to approve a contract with the LCRC for Hubert Road at a cost not to exceed 75,000.00 plus 10%. The motion carried unanimously.

Moved by Hunt, supported by Skolarus, to approve a commitment for assistance with improvement to Challis/Conrad for \$30,000.00. The motion carried unanimously.

Administrative Business:

Moved by Ledford, supported by Smith, to approve for payment vouchers totaling \$695,599.70. The motion carried unanimously.

Moved by Hunt, supported by Mortensen, to approve the Minutes of the July 1, 2002 Regular Meeting as submitted. The motion carried unanimously.

Moved by Hunt, supported by Mortensen, to approve the election officials scheduled to work the Primary Election on August 6, 2002. The motion carried unanimously.

The regular meeting of the Genoa Township Board was adjourned at 10:00 p.m.

Paulette A. Skolarus
Genoa Township Clerk