

GENOA CHARTER TOWNSHIP
Regular Meeting
August 4th, 2008
6:30 P.M.

MINUTES

Supervisor McCririe called the regular meeting of the Genoa Charter Township Board to order at 6:30 p.m. The Pledge of Allegiance was then said. The following persons were present constituting a quorum for the transaction of business: Gary McCririe, Paulette Skolarus, Robin Hunt, Jean Ledford, Steve Wildman and Jim Mortensen. Also present were Township Manager Michael Archinal and approximately twenty persons in the audience.

A Call to the Public was made with the following response: David Cary – I am here to discuss the township's action in granting the right to a boat dock for the Grassis. A deal was negotiated without prior knowledge and Heikkinen recommended acceptance of the agreement and that is a problem with the title. We would never have approved that agreement. We certainly didn't get everything we wanted and, yes, we did settle but the easements granted to the Grassi's are against our agreement. McCririe – The Grassis approached the township after that agreement was finalized. The previous owner defaulted or opted out of the law suit. The Grassis have the same easements as you and they believe the same rights. Their title work showed easements across the same property. They were not included in the law suit. The township felt it appropriate to allow two easements - one with a boat slip and the other without. I understand that you disagree; however, we made our decision based upon the data received at that time. We are now waiting for data from the Grassis before any further decision is made.

Cary – Dorothy Horn sold that property with the understanding that there was no access to the lake. The consent order was completed before the Grassi property was sold. They knew that a law suit was pending. Their title company should have known. We sued for riparian rights and adverse possession. McCririe – We are waiting for the Grassis to provide the necessary chronological data. I would ask what harm is it if the Grassis have one boat slip and easement? Cary – The harm is that there is no room at the dock and it is already too crowded. Carol Cary – Five owners paid between \$12,000.00 and \$15,000.00 for attorney fees and for them to get in free is unacceptable.

McCririe – We felt that this was a win-win situation. The township gets its drainage and you get your access. It seemed like a reasonable resolution at the time. The minutes of our meeting direct that an allowance be made for the Grassi property; however, but that action was not concluded. Dave Cary – We felt that the board went behind our back and the township did not clear the title. Your assessor said that the lot was worth \$6,000.00 and not the \$115,000.00 that you paid. McCririe – The drainage issue that was settled benefited the township at large, specifically the future development along Grand River and Dorr Roads (History Town).

Cary – We expected to receive that property by adverse possession and there is case law in Michigan that would have allowed this. McCririe – We thought this would work for everyone. Wade Ortwine – The judge signed the agreement. Why should someone else be able to get in free? McCririe – It is our understanding that the circumstances regarding access were not completely represented to the Grassis and we felt it was fair at that time given the circumstances presented.

Approval of Consent Agenda:

Moved by Ledford, supported by Mortensen, to approve all items listed under the consent agenda as requested. The motion carried unanimously.

1. Payment of Bills

2. Request to approve minutes: 7-21-08

3. Request to amend the existing “Investment Policy Depository Resolution” as requested by the Township Treasurer.

4. Request to approve installation and repair of sidewalk at Genoa Charter Township Hall for the cost of \$975.00.

5. Request for approval for adjustment to the Lake Edgewood and Pine Creek water and sewer rates.

6. Request to authorize a publication and set public hearing for August 18th, 2008 at 6:30 p.m. for an update to the Ordinance addressing Floodplain Management Provisions of the State Code.

Approval of Regular Agenda:

Moved by Mortensen, supported by Wildman, to approve for action all items listed under the regular agenda. The motion carried unanimously.

7. Request for approval of Resolution No. 1 (to Proceed with the Project and Direct Preparation of the Plans and Costs Estimates and authorize the mailing of the notices for the first public hearing) for aquatic weed control to Round Lake.

Skolarus – The original petitions that were issued included the Tri-Lakes area and not just Round Lake. East and West Crooked Lakes were not able to obtain the petitions necessary to go forward with a project. The residents of Round Lake then made a determination to proceed with a project specifically for Round Lake. The original petitions included an annual fee of \$55.00 when in fact the final determination for Round Lake will cost \$115.00 annually for five years. We have reviewed and accepted the petitions for Round Lake; however, if 20% of the property owners choose to stop this project, they may do so with petitions opposing the aquatic weed control program. I am asking that the board go forward with this proposal and that our mailing include information to that effect.

Moved by Skolarus, supported by Hunt, to approve Resolution No. 1, scheduling the first public hearing for Monday, August 18, 2008 at 6:30 p.m. The motion carried by roll call

vote as follows: Ayes – Ledford, Hunt, Wildman, Mortensen, Skolarus and McCririe.
Nays – None. Absent – Smith.

8. Request for approval of special use application, impact assessment and sketch plan for a proposed contractors yard with outdoor storage located at 1088 Victory Drive, Howell, Sec. 5, petitioned by Ken Culver.

A. Disposition of special use permit

Moved by Ledford, supported by Wildman, to approve the special use permit for outdoor storage with the following conditions:

1. The materials stored outside will not exceed a height of 6 feet above grade.
2. The outside storage area is approved for a gravel base however the limits of the proposed gravel area shall be shown on the plan.
3. The special use is made because it is consistent with the industrial use in the area and with the requirements contained in Section 19.03 of the Township Ordinance.

The motion carried unanimously.

B. Disposition of Impact assessment (dated 7-28-08)

Moved by Skolarus, supported by Hunt, to approve the impact assessment as presented. The motion carried unanimously.

C. Disposition of Site Plan (dated 7-28-08)

Moved by Ledford, supported by Hunt, to approve the site plan with the following conditions:

1. The materials stored outside will not exceed a height of 6 feet above grade.
2. The limits of the proposed gravel area shall be shown on the plan and approved by Township staff prior to issuance of a land use permit.
3. The location of the natural sediment basin(s) will be shown on the plans and approval from the Township Engineer will be obtained prior to land use permit.
4. An approval from the Brighton Area Fire Department addressing the items in their July 9, 2008 letter shall be submitted prior to issuance of a land use permit.

The motion carried unanimously.

9. Request for approval of special use application, impact assessment and sketch plan for a proposed worship facility to occupy 7181 Grand River, Brighton, Sec. 13, petitioned by Lindhout Associates.

A. Disposition of Special Use Permit

Moved by Hunt, supported by Wildman, to approve the special sue permit because the use is compatible with the use of the building and meets the general requirements of Section 19.03 of the Zoning Ordinance. The motion carried unanimously.

B. Disposition of Impact assessment (dated 7-28-08)

Moved by Skolarus, supported by Ledford, to approve the impact assessment as presented. The motion carried unanimously.

C. Disposition of Site Plan (dated 7-28-08)

Moved by Ledford, supported by Hunt, to approve the site plan with the following conditions:

1. Services provided by the church beyond those envisioned in the Impact Assessment will require a parking space review by the Township Staff;
2. The waste receptacle enclosure will be constructed of a treated wood resembling a privacy fence and shall be approved by Township staff prior to issuance of a Land Use Permit;
3. Item number 2 from the Township Engineer's July 8, 2008 letter will be addressed on the plan;
4. Approval from the Brighton Area Fire Department regarding the requirements in their letter dated June 17, 2008 will be obtained prior to issuance of a Land Use Permit.

The motion carried unanimously.

10. Discussion regarding clarification of the Township per diem policy.

It was the consensus of the board to clarify the per diem policy, allowing a ½ rate for meetings on days of regular meetings and full per diem for other days. Archinal will have Heikkinen prepare the document for review.

A letter dated August 1, 2008 was received from Judith Tolles concerning the consent order partially quieting title to real property that was filed on June 24, 2005. Tolles objected to the granting of the easement to the Grassi family.

The regular meeting of the Genoa Charter Township Board was adjourned at 7:30 p.m.

Paulette A. Skolarus
Genoa Township Clerk

(Press/argus 08/08/08)