

GENOA CHARTER TOWNSHIP BOARD
Regular Meeting
May 5, 2025

MINUTES

Call to Order

Supervisor Spicher called the regular meeting of the Genoa Charter Township Board to order at 6:31 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 18 people in the audience.

Call to the Public

The call to the public was opened at 6:32 pm with no response.

Mr. Jeff Dhaenens of 5494 Sharp Drive thanked Supervisor Spicher and Ms. VanMarter for addressing the issue on Hughes Road, he hopes Summerfield is approved this evening, he doesn't agree with updating the Master Plan now, he agrees with the proposed changes to drive through's, and the information that Ms. VanMarter provided regarding Crooked Lake is worth the read.

The call to the public was closed at 6:36 pm.

Approval of Consent Agenda:

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

- 1. Payment of Bills: May 5, 2025**
- 2. Request to approve the April 21, 2025 regular meeting minutes**

Approval of Regular Agenda:

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

3. Public Hearing on the proposed Special Assessment Roll for the Edwin Drive Road Maintenance Special Assessment Project.

A) Call to the Property Owners

B) Call to the Public

The call to the property owners was opened at 6:37 pm.

Mr. Mike Refalo of 1619 Edwin met with the homeowners who had concerns at the last meeting. They have the support of all of the residents except one.

The call to the property owners was closed at 6:38 pm.

The call to the public was opened at 6:38 pm with no response.

4. Request for approval of Resolution #5 – Confirming the Special Assessment Roll for the Edwin Drive Road Maintenance Special Assessment Project (Summer tax 2025). (Roll Call)

Moved by Walker, supported by Deaton, to approve Resolution #5 – Confirming the Special Assessment Roll for the Edwin Drive Road Maintenance Special Assessment Project (Summer tax 2025). **The motion carried unanimously with a roll call vote (Hunt - yes; Reiber - yes; Walker - yes; Hovarter - yes; Soucy - yes; Deaton - yes; Spicher - yes)**

5. Public hearing and consideration of recommendations for final approval of the amendment to the Summerfield Pointe Planned Unit Development agreement, final condominium site plan and environmental impact assessment for 12 attached condominiums and 102 detached single family homes. The project is located on Lawson Drive, north of Grand River Avenue. The request is petitioned by Healy Homes of Summerfield, LLC.

A) Call to the Public

B) Disposition of amendment to the PUD Agreement.

C) Disposition of Environmental Impact Assessment (2-14-25)

D) Disposition of amended Final Condominium PUD plan (2-14-25)

The call to the public was opened at 6:40 pm.

Ms. Jamie Schingeck of 4441 Aster Boulevard lives in the development abutting this project. She thanked the Planning Commission, former Board of Trustees, and Mr. Healy for addressing her concerns regarding the differences in lifestyles and having the lawns mowed one day a

week. She is still concerned with allowing play structures and fire pits, which will make it difficult for one lawn service to maintain all of the yards one day a week.

Ms. Maria Belcher of 4082 Hampton Ridge has lived here for 13 years, and she thanked the Board for listening to the neighbors' concerns. She is concerned with the dates that are listed in the bylaws regarding maintaining oak trees. They should only be cleared from January through March.

Ms. Judy Decia of 4648 Summer Ridge, president of the Summerfield Pointe Association, learned that there will be three associations in this location. She does not want the new condominiums to be allowed to have boats. She would like these to mirror the existing ones. She asked when they will start building.

The call to the public was closed at 6:49 pm.

Mr. Wayne Perry of Desine Inc. and Mr. Garret Steel, representing the developer, were present. Mr. Perry provided a review of the proposal, what is being requested this evening, and how they have addressed the neighbors' concerns. Addressing the concerns at the call to the public, they will have the lawns mowed one day a week and the company will need to mow and trim around play structures, etc., they will change the dates of the oak tree maintenance, and the master deed and by-laws for the new condominiums prohibit the parking of trailers or boats. They will begin construction as soon as they can obtain all of their permits, which is approximately four months.

Ms. Deaton suggested having a public play structure to alleviate the lawn company from having to maintain around many different ones. She suggested play structures and fire pits not be allowed. Supervisor Spicher does not agree with limiting what people can do with their private property. Ms. Hunt agrees.

Mr. Reiber asked if there will be any traffic control improvements made at Grand River and Lawson Drive. Mr. Perry stated there were required to make upgrades to this intersection and Healy Homes has made those. He also asked if there will be stop signs throughout the development. Mr. Perry stated there will be stop signs at all of the T-intersections and the roads are designed to slow traffic. There was a discussion regarding installing stop signs at all corners at the one four-way intersection.

Ms. Deaton **moved** to approve the amended PUD Agreement with staff and attorney comments incorporated and the addition of the following language:

1. The Master Deed and Bylaws for Summerfield Pointe Estates and Summerfield Pointe Attached Condominiums shall be responsible for maintaining the lawn and sprinkler system, yard area located on each Co-Owner's Unit, and the general common element lawn and landscaping. The Master Deed and Bylaws shall limit the lawn cutting to a common single day for lawn mowing by a single service provider.
2. If future owners of the unit's desire to install a water softener system on their individual unit, each owner shall be required to install a dry well system to accommodate all water softener

discharge. Such dry-well systems shall be maintained, repaired, and replaced by the individual owners.

3. Amendments to the Master Deed and Bylaws for each shall be approved by the Township.
4. The Master Deed and Bylaws for Summerfield Pointe Estates shall include the following: Trash disposal is provided by the Township. If the Township discontinues this service, Association will contract with a disposal contractor in conjunction with the adjacent Association to provide trash disposal on the same day.
5. The Master Deed shall contain language that Co-Owners are prohibited from altering the wetlands or Open Space Areas contained within the condominium, including within the 25-foot natural features buffer. To the extent that a future co-owner of a unit in the Condominium violates the terms by removing, trimming or damaging the vegetation and/or tree(s) from the regulated Open Space Areas or natural features buffer areas of the Condominium, without the prior written approval of the Township, such co-owner will be in violation of this Agreement and the Master Deed and will be subject to the provisions of Section 21.04 of the Zoning Ordinance, including the assessment of penalties and fines as set forth therein.
6. The developer shall provide prospective purchasers of Units in the development with notice regarding the potential existence of radon in all residential developments and referring prospective purchasers to investigate the risks associated with radon exposure and the methods available to detect, measure and mitigate radon exposure.
7. Play structures and fire pits shall not be allowed to make it consistent with the condominiums.
8. Oak Trees shall only be cleared between January and March.

The motion failed for lack of support.

Moved by Soucy, supported by Reiber, to approve the amended PUD Agreement with staff and attorney comments incorporated and the addition of the following language:

1. The Master Deed and Bylaws for Summerfield Pointe Estates and Summerfield Pointe Attached Condominiums shall be responsible for maintaining the lawn and sprinkler system, yard area located on each Co-Owner's Unit, and the general common element lawn and landscaping. The Master Deed and Bylaws shall limit the lawn cutting to a common single day for lawn mowing by a single service provider.
2. If future owners of the unit's desire to install a water softener system on their individual unit, each owner shall be required to install a dry well system to accommodate all water softener discharge. Such dry-well systems shall be maintained, repaired, and replaced by the individual owners.
3. Amendments to the Master Deed and Bylaws for each shall be approved by the Township.
4. The Master Deed and Bylaws for Summerfield Pointe Estates shall include the following: Trash disposal is provided by the Township. If the Township discontinues this service, Association will contract with a disposal contractor in conjunction with the adjacent Association to provide trash disposal on the same day.

5. The Master Deed shall contain language that Co-Owners are prohibited from altering the wetlands or Open Space Areas contained within the condominium, including within the 25-foot natural features buffer. To the extent that a future co-owner of a unit in the Condominium violates the terms by removing, trimming or damaging the vegetation and/or tree(s) from the regulated Open Space Areas or natural features buffer areas of the Condominium, without the prior written approval of the Township, such co-owner will be in violation of this Agreement and the Master Deed and will be subject to the provisions of Section 21.04 of the Zoning Ordinance, including the assessment of penalties and fines as set forth therein.
6. The developer shall provide prospective purchasers of Units in the development with notice regarding the potential existence of radon in all residential developments and referring prospective purchasers to investigate the risks associated with radon exposure and the methods available to detect, measure and mitigate radon exposure.
7. The association shall follow the current Township tree ordinance, allowing for oak trees to be maintained only between January and March.

The motion passed with a roll call vote (Hovarter - no; Soucy - yes; Deaton - no; Spicher - yes; Hunt - yes; Reiber - yes; Walker - yes)

Moved by Hunt, supported by Soucy, to approve the Environmental Impact Assessment dated February 14, 2025 with the following conditions:

1. Traffic from construction for the site development and the homes will not use the cross access to Hampton Ridge.
2. Language shall be added to include that snow does not block the cross-access gate in the wintertime.

The motion carried with Ms. Deaton voting no.

Moved by Hunt, supported by Soucy, to approve the Final PUD Plan dated February 14, 2025 with the following conditions:

1. Prior to land use permit issuance, site plan exceedance fees must be paid in full.
2. The requirements of the Brighton Area Fire Authority and the Livingston County Drain Commissioner shall be met prior to the issuance of a land use permit.
3. Summerfield Pointe Attached Condominium Master Deed shall incorporate the following language: The private roads as shown on the condominium plan will be maintained (including, without limitation, snow removal), replaced, repaired, and resurfaced as necessary by the Association. It is the Association's responsibility to work in conjunction with the neighboring Summerfield Pointe Association to inspect and to perform preventative maintenance of the project roadways on a regular basis in order to maximize their useful life and to minimize repair and replacement costs. The costs of the foregoing maintenance, repair, replacement and resurfacing shall be assessed to the co-owners in the same pro-rata basis based on the number of units in Summerfield Pointe and Summerfield Pointe Attached Condominiums.

4. Master Deed and Bylaws and PUD agreement shall be submitted with all required revisions prior to land use permit issuance.
5. An additional 2 rows of coniferous trees of different varieties at least 6 feet height shall be located in the open space adjacent to the existing Hampton Ridge development. Final quantity and location to be approved by Township staff.
6. Signage shall be added to the emergency access gate stating, "No Piling of Snow" and "No Parking".

The motion carried with Ms. Deaton voting no.

6. **Consideration of a request for approval of an updated proposal dated April 16, 2025 from Giffels Webster to include an additional \$2,800 for public engagement including a project website, community survey and joint meeting and to include a \$3,680 contingency budget from General Fund, Planning & Zoning, Contractual Services Fund #101-701-802-000.**

Ms. VanMarter stated the previous approval did not include public engagement. Giffels Webster developed a plan for this at a cost of \$2,800 with a \$3,680 contingency.

Ms. Deb Beattie of 3109 Pineview Trail asked who decides the questions that will be on the survey. Supervisor Spicher stated the Planning Commission, the Board and Giffels Webster will work together.

Moved by Hunt, supported by Walker, to approve an updated proposal dated April 16, 2025 from Giffels Webster to include an additional \$2,800 for public engagement including a project website, community survey and joint meeting and to include a \$3,680 contingency budget from General Fund, Planning & Zoning, Contractual Services Fund #101-701-802-000. **The motion carried unanimously.**

7. **Request for the introduction of proposed Ordinance Number 250519 and to set the meeting date for considering the proposed ordinance for adoption before the Township Board on Monday, May 19, 2025 for the purpose of considering a Genoa Charter Township Cemetery Ordinance as requested by the Township Clerk.**

Ms. Deaton stated the township's current cemetery ordinance is small and vague, so she is proposing a new one. The Board agreed to place this on agenda for the next board meeting.

8. **Second reading and consideration of recommendations for approval and adoption of proposed Ordinance Number Z-25-05 regarding Zoning Ordinance text amendments in Article 7 entitled "Commercial and Service Districts", Article 14 entitled "Parking and Loading-Unloading Standards", and Article 18 entitled "Site Plan Review" as related to Drive-Through Restaurants.**

Mr. VanMarter reviewed the proposed changes.

Moved by Soucy, supported by Walker, to approve and adopt Ordinance Number Z- 25-05 amending Zoning Ordinance Section 7.02 Schedule of Commercial Uses and Section 7.02.02 Permitted and Special Land Uses within Article 7 entitled Commercial and Service District, Section 14.06 Off-Street Parking Space Design Standards and Setback Requirements within Article 14 entitled Parking and Loading-Unloading Standards and article 18.07.09 Traffic Impact Study within Article 18 entitled Site Plan Review as related to Drive-Through restaurants. **The motion carried unanimously with a roll call vote. (Soucy - yes; Hovarter - yes; Walker - yes; Reiber - yes; Hunt - yes; Speicher - yes; Deaton - yes)**

- 9. Request for approval of a renewal of the Uniform Video Service Local Franchise Agreement with Comcast Cable Communications Management, LLC (Comcast) with an annual video service provider franchise fee of 5% and a public, education and government (PEG) access fee of 2% for a ten-year term beginning May 5, 2025 and ending May 5, 2035.**

Ms. VanMarter has worked with special counsel and Comcast regarding this agreement. The only change is to increase the PEG access fee from 0.2 percent to 2 percent, which will increase the township's revenue from \$11,900 to \$123,000.

Moved by Hunt, supported by Soucy, to approve renewal of the Uniform Video Service Local Franchise Agreement with Comcast Cable Communications Management, LLC (Comcast) with an annual video service provider franchise fee of 5% and a public, education and government (PEG) access fee of 2% for a ten-year term beginning May 5, 2025 and ending May 5, 2035. **The motion carried unanimously.**

- 10. Consideration of a request to accept the resignation of Trustee Reiber and to approve appointing Trustee Rick Soucy as the alternate representative to the Brighton Area Fire Authority Board with a term ending November 20, 2028 as requested by the Township Supervisor.**

Mr. Reiber stated that his employment has changed so he will be unable to attend these meetings.

Moved by Walker, supported by Reiber, to accept the resignation of Trustee Reiber and to approve appointing Trustee Rick Soucy as the alternate representative to the Brighton Area Fire Authority Board with a term ending November 20, 2028 as requested by the Township Supervisor. **The motion carried unanimously.**

11. Consideration of a request for amendments to the Fiscal Year 2025-2026 budget required by Emergency Management Resolution 250407 to create a new General Fund transfer-out appropriation line item #101-965-995-250 in the amount of \$250,000 and to establish a new Disaster Contingency Fund #250 with transfer-in line item #250-000-699-000 to receive the \$250,000.

Ms. VanMarter stated the Resolution that was passed on April 7, 2025 requires that a fund be established for the Disaster Contingency.

Moved by Reiber, supported by Hovarter, to approve amendments to the Fiscal Year 2025-2026 budget required by Emergency Management Resolution 250407 to create a new General Fund transfer-out appropriation line item #101-965-995-250 in the amount of \$250,000 and to establish a new Disaster Contingency Fund #250 with transfer-in line item #250-000-699-000 to receive the \$250,000. **The motion carried unanimously.**

Items for Discussion

12. Discussion regarding planning and zoning educational opportunities for citizens.

Ms. VanMarter stated that she and Supervisor Spicher are recommending that the Township pursue hosting a forum for township residents to learn the basics of Planning and Zoning regulations, which will allow them to understand how the process works and why it matters.

The Board agreed to have Ms. VanMarter research this further and return to the Board with information.

Items for Discussion

Mr. Reiber stated there is a proposal to develop the site across from where Hobby Lobby is moving into and next to the Speedway gas station on Grand River with a Good Will, bank, and another drive thru businesses.

Mr. Soucy stated that the Zoning Board of Appeals is discussing proposed changes they would like to see in the revised Master Plan.

Mr. Walker stated the Brighton Area Fire Authority will be voting on purchasing additional automatic CPR equipment.

Mr. Walker stated that he attended the public hearing on PA 233 and House Bill 4027 and 4028 representing the Township in support of the bills. Representative Woolford was also there and spoke in support. The two bills passed the House. The vote was along party lines. Now it has to go to the Senate. He encouraged all of the residents to get involved.

Genoa Charter Township Board Meeting

May 5, 2025

Unapproved Minutes

Ms. Hovarter stated that she, Ms. VanMarter, and Supervisor Spicher met with Trevor Bennett of the Livingston County Road Commission. She spoke to them about chloride application on dirt roads. After that meeting her roadway was treated so she thanked them for listening to her concerns.

Board Correspondence

Ms. VanMarter provided the Board with “Little Crooked Lake History” from 1948 that was shared to her by Craig Lesley. She would like to add this to the community history page on the Township website.

Adjournment

Moved by Walker, supported by Soucy, to adjourn the meeting at 8:31 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas
Recording Secretary

Approved: Janene Deaton, Clerk
Genoa Charter Township

Kevin Spicher, Supervisor
Genoa Charter Township