

GENOA CHARTER TOWNSHIP BOARD
Regular Meeting
November 15, 2021
6:30 p.m.

AGENDA

Call to Order:

Pledge of Allegiance:

Call to the Public (Public comment will be limited to two minutes per person)*:

Consent Agenda:

1. Payment of Bills: November 15, 2021
2. Request to Approve Minutes: November 1, 2021
3. Request Board approval to adjust the 2021 Winter tax roll as well as the Refuse Special Assessment Roll, X0012, to reflect eight additional homes at \$157.00/per home as submitted by the Township Treasurer.

Regular Agenda:

4. Request to introduce proposed rezoning ordinance number Z-21-02 and to set the meeting date for the purpose of considering the proposed ordinance for adoption before the Township Board on Monday, December 6th, 2021. The properties proposed for rezoning are located on the east side of Victory Drive, north and south of Toddiem Drive involving parcels 4711-08-100-009 and 4711-05-303-015. The request is petitioned by Net Lease Associates to be rezoned from Industrial (IND) to Planned Industrial Development (PID).

Correspondence
Member Discussion
Adjournment

<p>*Citizen's Comments- In addition to providing the public with an opportunity to address the Township Board at the beginning of the meeting, opportunity to comment on individual agenda items may be offered by the Chairman as they are presented.</p>
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CHECK REGISTERS FOR TOWNSHIP BOARD MEETING

DATE: November 15, 2021

TOWNSHIP GENERAL EXPENSES: Thru November 10, 2021	\$35,778.79
November 12, 2021 Bi Weekly Payroll	\$94,571.37
OPERATING EXPENSES: Thru November 10, 2021	\$52,439.44
TOTAL:	<u>\$182,789.60</u>

Check Date	Check	Vendor Name	Amount
Bank FNBCK CHECKING ACCOUNT			
10/29/2021	37100	CAPITAL ONE	399.19
10/29/2021	37101	DTE ENERGY	27.00
10/29/2021	37102	LAURA GAMBINO	114.48
10/29/2021	37103	MASTER MEDIA SUPPLY	730.22
11/01/2021	37104	COOPER'S TURF MANAGEMENT LLC	1,103.00
11/01/2021	37105	PERFECT MAINTENANCE CLEANING	565.00
11/02/2021	37106	DTE ENERGY	710.95
11/02/2021	37107	FEDERAL EXPRESS CORP	82.96
11/02/2021	37108	LIVINGSTON PRESS & ARGUS	310.00
11/02/2021	37109	MASTER MEDIA SUPPLY	18.93
11/02/2021	37110	MASTER MEDIA SUPPLY	93.57
11/02/2021	37111	NETWORK SERVICES GROUP, L.L.C.	50.00
11/02/2021	37112	PIVOT POINT PARTNERS LLC	2,810.00
11/02/2021	37113	TRI COUNTY SUPPLY, INC.	274.43
11/04/2021	37114	DTE ENERGY	189.18
11/04/2021	37115	EHIM, INC	5,911.36
11/09/2021	37116	COMCAST	637.20
11/09/2021	37117	CONTINENTAL LINEN SERVICE	82.33
11/09/2021	37118	DTE ENERGY	217.41
11/09/2021	37119	GORDON FOOD SERVICE	330.76
11/09/2021	37120	SEWARD PECK & HENDERSON PLLC	10,694.88
11/09/2021	37121	SEWARD HENDERSON PLLC	10,278.34
11/09/2021	37122	WELLNESS IQ	147.60

FNBCK TOTALS:

Total of 23 Checks:	35,778.79
Less 0 Void Checks:	0.00
Total of 23 Disbursements:	<u>35,778.79</u>

Check Register Report For Genoa Charter Township
 For Check Dates 11/12/2021 to 11/12/2021

Check Date	Bank	Check Number	Name	Check Gross	Physical Check Amount	Direct Deposit	Status
11/12/2021	FNBCK	EFT617	FLEX SPENDING (TASC)	856.53	856.53	0.00	Open
11/12/2021	FNBCK	EFT618	INTERNAL REVENUE SERVICE	22,430.12	22,430.12	0.00	Open
11/12/2021	FNBCK	EFT619	PRINCIPAL FINANCIAL	3,656.00	3,656.00	0.00	Open
11/12/2021	FNBCK	EFT620	PRINCIPAL FINANCIAL	2,227.26	2,227.26	0.00	Open
Totals:		Number of Checks: 004		29,169.91	29,169.91	0.00	

Total Physical Checks:

Total Check Stubs:

4

29,169.91 +
65,401.46 +
 94,571.37 +

+ 65,401.46

11/10/2021 09:24 AM
User: denise
DB: Genoa Township

CHECK REGISTER FOR GENOA TOWNSHIP
CHECK NUMBERS 5400 - 6000

Page: 1/1

Check Date	Check	Vendor Name	Amount
Bank 503FN DPW-UTILITIES #503			
11/04/2021	5400	PORT CITY COMMUNICATIONS, INC.	466.16
11/04/2021	5401	TRACTOR SUPPLY CO.	59.99
11/09/2021	5402	AK SERVICE DRIVER TESTING	150.00
11/09/2021	5403	WEX BANK	4,623.58
11/09/2021	5404	WINDSTREAM	51.20
503FN TOTALS:			
Total of 5 Checks:			5,350.93
Less 0 Void Checks:			0.00
Total of 5 Disbursements:			5,350.93

11/10/2021 09:25 AM
User: denise
DB: Genoa Township

CHECK REGISTER FOR GENOA TOWNSHIP
CHECK NUMBERS 5384 - 6000

Page: 1/1

Check Date	Check	Vendor Name	Amount
Bank 592FN OAK POINTE OPERATING FUND #592			
10/29/2021	5384	AMERICAN AQUA	223.46
11/01/2021	5385	MHOG UTILITIES	37,584.96
11/08/2021	5386	BRIGHTON ANALYTICAL LLC	200.00
11/08/2021	5387	DTE ENERGY	1,131.24
11/08/2021	5388	DTE ENERGY	2,782.15
592FN TOTALS:			
Total of 5 Checks:			41,921.81
Less 0 Void Checks:			0.00
Total of 5 Disbursements:			41,921.81

11/10/2021 09:26 AM
User: denise
DB: Genoa Township

CHECK REGISTER FOR GENOA TOWNSHIP
CHECK NUMBERS 4040 - 6000

Page: 1/1

Check Date	Check	Vendor Name	Amount
Bank 593FN LAKE EDGEWOOD OPERATING FUND #593			
11/01/2021	4040	BRIGHTON ANALYTICAL LLC	67.00
11/01/2021	4041	MHOG UTILITIES	2,066.66
11/08/2021	4042	BRIGHTON ANALYTICAL LLC	67.00
11/08/2021	4043	DTE ENERGY	2,966.04
593FN TOTALS:			
Total of 4 Checks:			5,166.70
Less 0 Void Checks:			0.00
Total of 4 Disbursements:			5,166.70

Totals	\$5,350.93
	\$41,921.81
	<u>\$5,166.70</u>
	\$52,439.44

draft

GENOA CHARTER TOWNSHIP BOARD

**Regular Meeting
November 1, 2021**

MINUTES

Supervisor Rogers called the Regular Meeting of the Genoa Charter Township Board to order at 6:30 p.m. at the Township Hall with the Pledge of Allegiance. The following members were present constituting a quorum for the transaction of business: Bill Rogers, Paulette Skolarus, Jean Ledford, Terry Croft, Jim Mortensen and Diana Lowe. Also present were: Township Manager Michael Archinal; Township Attorney Joe Seward; and ten persons in the audience. Hunt was absent.

A Call to the Public was made with the following response: Theresa Coloske – I am opposed to the gravel pit on the DNR property. I will be here at every meeting until this can be voted on.

Consent Agenda:

Moved by Lowe and supported by Mortensen to approve the payment of bills as requested. The motion carried unanimously.

1. Payment of Bills: November 1, 2021

Regular Agenda:

Moved by Ledford and supported by Croft to approve for action all items listed under the regular agenda. The motion carried unanimously.

2. Request to Approve Minutes: October 18, 2021

Moved by Ledford and supported by Lowe to approve the Minutes of October 18, 2021 and review the October 25, 2021 comments from the Clerk to be reviewed with Item 7 on this evening's Agenda. The motion carried unanimously.

3. Request for approval of the proposed 2022 Howell Area Parks and Recreation Authority budget presented by Tim Church, HAPRA Director.

Tim Church was introduced to the Board. He provided an update on the Budget for Howell Area Parks and Recreation Authority expenditures and revenue for the fiscal year. 714 township residents participate in the Recreation Programs. Moved by Lowe and supported by Mortensen to approve the increase of financial participation for Genoa Township from \$110,000.00 to \$115,000.00. The motion carried unanimously.

4. Request for approval of a contract with MiSignal Inc. for broadband services for unserved and underserved areas in the Township.

Josh Rowe presented his proposed agreement for the Fiber Optic Broadband Project to the board. This service will provide certain areas of the Township that are either unserved or underserved with high speed broadband services. Funds from the American Rescue Plan are specifically made available to local units of government to accelerate deployment of broadband services. The first phase will be from Grand River and Chilson Road to Brighton Road.

Seward – The Township will not be the facility owners and video services are provided by F.C.C.

Skolarus - The Township will invest \$750,000.00 from the ARP funds toward this project and have MiSignal build and install the high-speed broadband facilities.

Mortensen asked for clarification of the net effect. Josh Rowe - MiSignal will provide this service with symmetrical upload and download speeds of 100 Gbps. Rogers commended Skolarus, Archinal and Seward for working through the process.

Moved by Skolarus and supported by Lowe to approve the amendments to the agreement as discussed adding “Charter” to the agreement with reference to Genoa Township in the first paragraph. The motion carried unanimously.

5. Request for approval of a METRO Act permit application for access and ongoing use of public ways by MiSignal.

Moved by Ledford and supported by Lowe to approve the Metro Act permit application with consistent signatures on the agreement and a modification to paragraph 2.6 with “MiSignal will be responsible for maintaining the facilities in the Public Ways.” The amended application was voted and carried unanimously.

6. Request for approval of proposed 2022 employee benefits as presented by Human Resources Manager Kim Lane.

Kim Lane addressed the board with a review and recommendations for 2022 Benefit Year. The increase in cost is expected to be 5.5% with Blue Cross Blue Shield renewal with Delta Dental renewing coverage at the same rate as last year. Blue Cross has a high individual deductible and low co-pays. As a result, the Township offers F/HIM to all employees.

Moved by Ledford and supported by Croft to accept the recommendation for the proposed employee benefits. The motion carried unanimously.

7. Discussion regarding Board of Trustees minutes.

Rogers – A copy of MTA was provided. It states the clerk or an outside source can take the minutes.

Skolarus – My comments erroneously attached to the Minutes should have been attached to Item 7 for discussion. I would like the board to set parameters with reference to Calls to the Public. The Clerks from the Livingston County Clerks Association thought it wasn’t necessary to name all of the people that spoke at the public meeting but to provide an overview of what was presented. Croft – Why would we ask their names if we don’t put them in the Minutes? Skolarus – That is my question to the Board. Comment Cards could be an option.

Mortensen stated he is not sure their name and address needs to be recorded but you might want to know how many are citizens and how many are not. Rogers – Every Board I sat on it asks for a name and address. The address doesn’t need to be a part of the minutes but the names should be there as they have presented their case and would like to be recognized. Croft - We do follow Roberts Rules of Order.

Archinal – If someone takes time from their busy schedules to come and say something to us, it is customer service to show on the records their information, not necessarily the address but at least

the name and a brief discussion. Skolarus - We could have cards made asking their name and address should they wish to speak. The DNR asked that anyone who wished to speak provide a card with their name and their concern. Rogers – I have no problem asking the residents to fill out the card if it makes everything easier to record. Mortensen - We want them to fill out the cards and take more time. Ledford - A sign-in sheet with their name, address and purpose. Archinal – With smaller meetings cards may not be necessary, but larger issues like the swans or gravel pits something should be done. It is best to make it clear that it isn't a prerequisite to attending. Lowe – The QVF is a good tool for it as verification of name. Ledford - Put “optional” by the request for address. Skolarus - I will make up cards for the audience to fill out if they wish to speak and have them available. Mortensen -Show them to the board before ordering. Rogers – A decision can be made at specific meetings, if the cards are necessary.

Skolarus - I can understand the concerns of the board but I felt that there was only one change to the minutes of the previous meeting. With regard to Hunt's response – I apologize if I offended anyone, but I felt my voice needed to be heard. There was between 75-100 people at the meeting and I felt the objections raised when discussing the minutes were uncalled for.

Rogers – I am concerned when you sent the minutes to all of the board members and that is against the Open Meetings Act. We are supposed to correct the meeting minutes at the table. Skolarus – That won't happen again and I explained why I sent that memo. Rogers – does anyone have any comments regarding the response from the 25th meeting? Mortensen - I have a suggestion, Robin or another board member who have corrections should pencil mark the meeting minutes and the rest of the board can take a look at them. It takes a long time at a meeting just debating them, that person should pencil markup the meeting minutes and the board can look at the hand-written corrections. If it was a sentence, handle verbally, if extensive they should mark up the minutes and bring to the meeting and there will be discussion. It will be a lot less contentious.

Archinal - My honesty and professionalism were questioned before this and I wrote up the comments. This board approved minutes that included none of this discussion regarding my responses to what was written. The discussion happened and it needs to be recorded whether we like the discussion or not. This job is to make sure there is an accurate accounting for what happened in this room whether we like it or not. You can edit or alter minutes to serve a purpose and that is what occurred.

Ledford - I wanted to check to see how many times we amended the minutes. Every time since July 6th up until now we altered every set of minutes before approval. Skolarus - That is the responsibility of this board and that is what is supposed to happen at a Board Meeting. They are reviewed and the board makes changes based on their recollection of the meeting. Ledford - I hate to see the board have to correct the minutes every time. It is your responsibility to record an accurate interpretation of the meeting into the minutes. Does the board want this recorded because we will have to come back and revisit it? Skolarus - It is the responsibility of this board to suggest the changes. Ledford - She is not taking the minutes right now as she assumes the board does not

want to record this. *Note: When this discussion began I started recording the conversation because I wanted to make sure my minutes were accurate.*

Mortensen- Let's find out the legal requirements of what should be in the minutes. Skolarus - let's ask the attorney. Seward - The Clerk shall keep a full record of all of the proceedings of the township board. So, I read this as, "Should it be verbatim absolutely not, but we have to have a summary of the discussions, absolutely yes." Those discussions need to be in the minutes. If anyone goes back to review, they will know what is done. Skolarus – so I can record the minutes but I only have to put the general idea of it and we would have the recording for one year so we can check it. Rogers – not one year, only until the next meeting after the minutes are approved – two weeks. Closed session minutes must be kept for a year. Skolarus- Rogers has asked me for the minutes for the last two meetings of the closed sessions. I take the notes on the minutes but in a couple of instances you provided me with a detail that was returned to Seward so I don't know if I needed to get your detail back and use that as part of the records since that was your presentation or only what I take notes on. Should closed session be recorded? Seward - Your minutes should include the general idea of what is presented to the board but to say if you should only record that, no if there is other discussion or information exchanged then it does need to be recorded.

Skolarus - Should the whole meeting be recorded? Rogers - The closed sessions should not be recorded. It is easy to get interrupted. Not verbatim. If you need to stop someone and ask them to give their information again. Skolarus - I will tape all meetings. Delete the tape once they are approved by the board.

Seward - The minutes should reflect the discussion that took place and any changes made at the meeting. Skolarus- the meeting minutes are on the website usually within 24 hours. Rogers- It should be revised only at the meeting, not before. Seward - Make sure you have the draft and the approved version so people can see what was changed. Editing tools in document "redlining" would be a good way to do the edits.

Rogers - Is everyone comfortable with that? Croft- Would you have notes on the first page with corrections or would you have to read through? Seward - It is a good way to track the changes. Croft- should we address the concerns the comments Mike made. Archinal - You already acted, so you are done. Croft - We could discuss at the next meeting. Archinal - Can't go back to revise the minutes. Seward - Unless someone who voted yes comes back with a motion for reconsideration. Archinal - If you want to record them for actual interpretation that is good. I do not want to discuss them without the Treasurer.

Correspondence:

- A letter from Theresa Coloske with 18 attached pages of petitions objecting to the gravel and sand mining of the DNR properties.
- Two letters from the Livingston County Clerk concerning the County Commissioner Districts.

GENOA CHARTER TOWNSHIP BOARD – Regular Meeting – Nov. 1, 2021

- An approval letter from the State of Michigan with approval of the American Rescue Plan for Genoa Township with a distribution of \$2,165,592.00.
- A letter from Charter Communications adding a Tennis Channel.
- A letter from AT&T concerning the Uniform Video Service Local Franchise Agreement
- Treasurer Hunt responded to Skolarus' letter with regard to the Minutes from the Meeting of Oct. 4, 2021.

Moved by Mortensen and supported by Ledford to adjourn the Regular Meeting of the Board at 7:52 p.m.



Paulette A. Skolarus, Clerk
Genoa Charter Township Board

Bill Rogers, Supervisor
Genoa Charter Township Board

Memo

To: Genoa Township Board
From: Robin L. Hunt, Township Treasurer
Date: 11/10/21
Re: Addition to Special Assessment Roll X0012 & 2021 Winter Tax Roll

Please consider Board Approval to add the following parcels to Special Assessment Roll #X0012 to be levied on the 2021 Winter tax bill. This correction is required to reflect Certification of Occupancy's received on new builds in the Township in October & November:

- **Parcel #4711-10-303-003** Refuse - \$157.00
- **Parcel #4711-21-301-008** Refuse - \$157.00
- **Parcel #4711-26-202-002** Refuse - \$157.00
- **Parcel #4711-33-401-005** Refuse - \$157.00
- **Parcel #4711-33-401-006** Refuse - \$157.00
- **Parcel #4711-33-401-008** Refuse - \$157.00
- **Parcel #4711-33-401-012** Refuse - \$157.00
- **Parcel #4711-34-403-010** Refuse - \$157.00

Total addition to roll: \$1,256.00

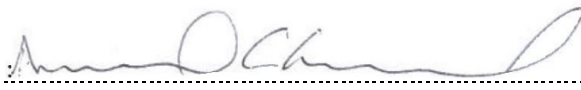
Please let me know if you have any questions. Thank you for your consideration.



2911 Dorr Road
Brighton, MI 48116
810.227.5225
810.227.3420 fax
genoa.org

MEMORANDUM

TO: Honorable Board of Trustees
FROM: Kelly VanMarter, Assistant Township Manager/Community Development Director
DATE: November 9, 2021
RE: **Capital Asphalt – Victory/Toddiem Drive Rezoning – First Reading Ordinance No. Z-21-02**

MANAGERS REVIEW: 

In consideration of the approval recommendation by the Township Planning Commission on October 11, 2021 and the anticipated recommendation from the Livingston County Planning Commission on November 17, 2021 please find the attached proposed rezoning ordinance for your review. The proposed rezoning involves two properties located on the east side of the southern end of Victory Drive both north and south of Toddiem Drive. The larger 11-acre parcel (4711-08-100-009) is located south of Toddiem Drive at 3080 Toddiem Drive and is currently occupied by a scrap metal business. The smaller 5.2-acre parcel (4711-05-303-015) is vacant and located east of Victory Drive and north of Toddiem Drive.



SUPERVISOR

Bill Rogers

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

Jean W. Ledford
H. James Mortensen
Terry Croft
Diana Lowe

MANAGER

Michael C. Archinal

The rezoning requested is from Industrial District (IND) to a Planned Industrial Development (PID) overlay district.

As required pursuant to the Charter Township Act (Act 359 of 1947) the Board is being asked to introduce and conduct the first reading on the proposed rezoning ordinance. Staff is requesting the second reading, public hearing and consideration for adoption be set for the Monday, December 6, 2021 regularly scheduled meeting. A draft publication as required by law is also attached.

As such please consider the following action:

Moved by _____, supported by _____ to introduce proposed rezoning ordinance number Z-21-02 and to set the meeting date for the purpose of considering the proposed ordinance for adoption before the Township Board on Monday, December 6th, 2021.

ORDINANCE NO. Z-21-02

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CHARTER TOWNSHIP OF GENOA BY REZONING PARCEL 4711-08-100-009 (11 ACRES) AND 4711-05-303-015 (5.2 ACRES) FROM INDUSTRIAL (IND) TO A PLANNED INDUSTRIAL OVERLAY DISTRICT (PID).

THE CHARTER TOWNSHIP OF GENOA HEREBY ORDAINS that the Zoning Map, as incorporated by reference in the Charter Township of Genoa's Zoning Ordinance, is hereby amended as follows:

Real property containing approximately 11 acres with parcel ID number 4711-08-100-009 located at 3080 Toddiem Drive on the south side of Toddiem Drive, east of Victory Drive and real property containing approximately 5.2 vacant acres with parcel ID number 4711-05-303-015 located on the east side of Victory Drive north of Toddiem Drive both of which are more particularly described as follows:

Parcel 4711-08-100-009 (3080 Toddiem Drive, Howell, MI 48843)

A part of the Northwest 1/4 of Section 8, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, described as follows: Commencing at the North 1/4 corner of said Section 8; thence South 87°12'58" West along the North line of said Section, 1817.08 feet to the point of beginning of the parcel to be described; thence South 02°06'23" East 720.64 feet; thence South 88°02'55" West 384.26 feet to the Northeasterly right-of-way line of the C & O Railroad; thence North 49°45'12" West along said right-of-way line 506.19 feet to the West line of said Section (as monumented); thence North 02°15'06" West along and West line 369.60 feet to the Northwest corner of said Section; thence North 87°12'58" East along the North line of said Section, 759.32 feet to the point of beginning. Subject to and including the use of a 66 foot wide private road easement for ingress and egress, the North line of which is described as: Part of the Northwest 1/4 of Section 8, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, described as follows: Commencing at the North 1/4 corner of said Section 8; thence South 87°12'58" West along the North line of said Section 496.99 feet to the Westerly right-of-way line of Grand Oak Drive and the point of beginning of said easement; thence South 87°12'58" West 2079.41 feet to the point of ending of said easement.

Parcel 4711-05-303-015 (vacant land, Victory Drive, Howell, MI 48843)

Lot 15, Grand Oaks West Industrial Park, according to the plat thereof, as recorded in Liber 30 of Plats, Pages 1, 2, 3, 4, and 5, Livingston County Records.

shall be rezoned from the Industrial (IND) district to a Planned Industrial Development District Overlay (PID) zoning classification. The Township Planning Commission and Township Board, in strict compliance with the Township Zoning Ordinance and with Act 184 of the Public Acts of 1943, as amended, reclassified the Property as Planned Industrial District (PID) finding that such classification properly achieved the purposes of Section 22.04 of the Township's Zoning Ordinance (as amended).

Severability If any provision of this Ordinance is found to be invalid, then the remaining portions of this Ordinance shall remain enforceable.

Effective Date This Ordinance shall be effective upon publication in a newspaper of general circulation as required by law.

On the motion to adopt the Ordinance the following vote was recorded:

Yeas:

Nays:

Absent:

I hereby approve the adoption of the foregoing Ordinance this ____ day of _____, 2021.

Paulette A. Skolarus
Township Clerk

Bill Rogers
Township Supervisor

Township Board First Reading: November 15, 2021
Date of Publication of Proposed Ordinance:
Township Board Second Reading and Adoption:
Date of Publication of Ordinance Adoption:
Effective Date:

**BOARD OF TRUSTEES
GENOA CHARTER TOWNSHIP,
LIVINGSTON COUNTY, MICHIGAN**

**NOTICE OF PUBLIC HEARING ON PROPOSED ZONING MAP AMENDMENT
DECEMBER 6, 2021**

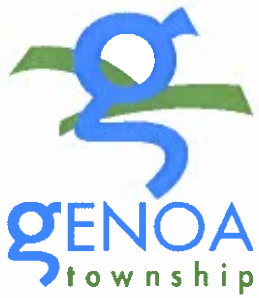
Pursuant to Michigan Public Act 359 of 1947, (the Charter Township Act), notice is hereby given that the Genoa Charter Township Board will be considering an ordinance to amend the zoning map of the Charter Township of Genoa at 6:30 p.m. on December 6, 2021. The properties proposed for rezoning are located on the east side of Victory Drive, north and south of Toddiem Drive involving parcels 4711-08-100-009 and 4711-05-303-015. The request is petitioned by Net Lease Associates to be rezoned from Industrial (IND) to Planned Industrial Development (PID).

The complete text of the proposed ordinance is available for public inspection at the Township Hall located at 2911 Dorr Road, Brighton, Michigan 48116, Monday through Friday from 9:00a.m. to 5:00p.m.

Kelly VanMarter
Assistant Township Manager/Community Development Director

(Press/Argus 11-28-21)

Board Correspondence



2911 Dorr Road
Brighton, MI 48116
810.227.5225
810.227.3420 fax
genoa.org

November 1, 2021

Honorable Mayor and City Manager
City of Howell
611 E. Grand River
Howell MI, 48843

RE: Padnos Shredding Operation

Mayor Proctor and City Manager Suida,

In December of 2020 we met with the Mayor and then City Manager to ask that the City remain stalwart in its defense of your Board of Zoning Appeals action and the City's Zoning Ordinance relative to the proposed Padnos shredding operation. We also advised that it was very unlikely that MHOG would agree to extending water service to the site. In fact, the improbability of connection to MHOG was referenced repeatedly. Clearly this reality was either forgotten or ignored.

At the November 2019 City Planning Commission meeting, the Township Manager referenced a report included in the packet that stated the site would be provided with water *and* sewer utilities through the Marion, Howell, Oceola and Genoa Water Authority (MHOG). Sanitary sewer in this area is in fact operated by the Genoa-Oceola Sewer Authority. The 425 agreement executed between the City and Township in 2009 states that the property would receive City services. While this could be addressed through a formal contractual arrangement with MHOG and G-O, neither Board nor staff had been approached. Connection to MHOG and or G-O requires support of a majority of representatives from the member jurisdictions. A representative from Marion Township and MHOG spoke at the meeting and stated his opposition to the request.

Stating in a public document that utilities will be provided by MHOG and taking affirmative action at a Planning Commission meeting based on that statement without first obtaining approval from the authority is not cooperative. Approving a site plan without due diligence, e.g. determining whether the proposal involves a categorical discharger, determining system capacity, performing hydraulic analysis for collection and distribution, determining

SUPERVISOR

Bill Rogers

CLERK

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MANAGER

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genoa.org

whether easements are required – in fact not even consulting an Engineer, is baffling and reckless.

Two years later the City Council has overturned the decision from the BZA through a consent judgement. Padnos and the City have certainly expended significant resources moving the project through its processes and the courts. All this without requesting approval from MHOG until the eleventh hour. Now we read in a recent WHMI article that, "... the assumption was made that MHOG would extend water to properties along there." And, "... they assumed all along MHOG would do the right thing and extend a utility to a legal function in a properly zoned area." The right thing, and in fact the responsible thing, would have been to make this request formally three years ago. A responsible alternative would have been to extend City services as stated in the 425 agreement.

The City of Howell and Genoa Charter Township have enjoyed a long, productive, cooperative relationship. Our utility systems are interconnected for our mutual benefit. Utility personnel assist and support one another. The Howell Area Parks and Recreation Authority provides regional recreation and events through the support of Howell and the surrounding Townships including Genoa. Howell and Genoa are partners on the County Economic Development Council. Our sidewalk systems connect. We intentionally used the same retaining wall block to provide a uniform look near Grand River and the railroad overpass. In keeping with this spirit of cooperation, on December 21, 2009 the City of Howell and Genoa Charter Township entered into a Public Act 425 agreement that transferred the property from Genoa to the City. This agreement was predicated by a, "...desire, through cooperation, to foster quality economic development to benefit the respective communities and to bring about enhancement of tax base, providing sewer and/or water services to the area involved, create needed jobs and the probability of additional development in the area..." A copy of the agreement is enclosed.

The enclosed aerial photos show the subject property prior and subsequent to the 425 agreement. The photos from 2010, 2011, 2015 and 2018 evidence a startling accumulation of literally thousands of junk cars, trailers and debris. From the elevated position of I-96 relative to this property approximately 40,000 west bound drivers per day are subjected to this abysmal view at the geographic

SUPERVISOR

Bill Rogers

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

MANAGER

Michael C. Archinal



2911 Dorr Road
Brighton, MI 48116
810.227.5225
810.227.3420 fax
genoa.org

center of Livingston County. This cannot possibly represent the, “quality economic development” contemplated when the 425 agreement was approved. In fact, this site has been identified by developers as a strong disincentive for quality development. Our definition of quality economic development does not include junkyards.

Expanding Padnos’ footprint in our community by allowing a metal shredding operation will have severe regional impacts. A robust planning review process should seek to mitigate these impacts. In November of 2019 the City Planning Commission approved a site plan and special land use for the shredding operation despite a lack of environmental reports, wetland analysis or traffic information. No planning or engineering experts were consulted on the City’s behalf.

While this property is located at the eastern boundary of the City of Howell it is highly visible and central to our community. Public documents stated that concerns about significant truck traffic would be addressed by requiring that trucks would be routed east through Genoa Township. Clearly this is not neighborly or indicative of cooperation for the benefit of our respective jurisdictions.

We have already been subjected to a time wasting and combative FOIA request from Padnos. Please do not exacerbate a situation that is blatantly not in concert with what was envisaged by our communities in 2009 when we entered into our 425 agreement by making false and inflammatory comments to the media.

SUPERVISOR

Bill Rogers

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

MANAGER

Michael C. Archinal

Respectfully,

Bill Rogers,
Township Supervisor

Michael Archinal
Township Manager

Enc.



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

GENOA TOWNSHIP

JUN 07 2010

RECEIVED

June 2, 2010

Ms. Jane Cartwright
Howell City Clerk
611 E Grand River
Howell, MI 48843

RE: Conditional transfer of property

Dear Ms. Cartwright:

This letter serves to acknowledge the Office of the Great Seal's receipt on June 2, 2010 of the filing of the conditional transfer of property pursuant to Public Act 425 of 1984, as amended, from Genoa Township to the City of Howell. The receipt date is the effective date of this boundary change. This filing is designated as Job Number 10-408.

All property descriptions for any boundary changes are reviewed by the Michigan Department of Transportation (MDOT), and then published annually in the Michigan Public and Local Acts manual. If any property description is found inaccurate by MDOT, this office will contact you at that time and request a corrected description, which will not impact the effective date of the boundary change.

*****No further acknowledgment will be sent*****

Sincerely,

Michèle Martin, Technician
Office of the Great Seal
517-241-1829

cc: Genoa Township Clerk
Livingston County Clerk
Michigan Department of Labor and Economic Growth, State Boundary Commission
Michigan Department of Labor and Economic Growth, Liquor Control Commission
Michigan Department of Labor and Economic Growth, Office of Land Survey and Remonumentation
Michigan Department of Information Technology, Center for Geographic Information
Michigan Department of Treasury, Office of Revenue and Tax Analysis
Michigan Department of Transportation, Bureau of Transportation Planning
U.S. Bureau of the Census
Office of the Great Seal Job Number: 10-408

Cities
Livingston County

In the matter of the conditional transfer of certain property located in Genoa Township to the City of Howell. Conditionally transferred in accordance with the provisions of Public Act 425 of 1984, as amended the following described property:

1. Land in the Township of Genoa, Livingston County, Michigan described as: Beginning at the NW corner of Section 6, T2N, R5E, thence South 2403.2 feet along the West line of Section 6; thence South 80 deg 45' East 870.00 feet; thence South 519.00 feet to the East & West 1/4 line of Section 6; thence East 285.00 feet along the 1/4 line to the West line of the Ann Arbor Railroad right-of-way, North 5 deg 38' East 1168.8 feet; thence Northerly along the arc of a 3 deg 3' curve left a distance of 1110.9 feet along said railroad; thence North 28 deg 15' West 952.00 feet; thence West 594.00 feet along the Section line of Section 6 to the point of beginning, excepting therefrom the North 495.0 feet of the West 1/2 of the Northwest quarter of Section 6 West of the railroad, containing 60.7 acres of land, more or less.

Tax Code No. 4711-06-100-005

2. Brockway Property (Liber 2039, Pages 0248-0249)

Land in the Township of Genoa, County of Livingston, State of Michigan, described as follows:

A part of the Northwest fractional 1/4 of Section 6, T2N, R5E, Michigan described as follows: Commencing at the Northwest Corner of Section 6; thence along the West line of said Section 6, and the centerline of Lucy Road, (66 foot wide Right of Way), due South, 2397.71 feet (previously recorded as 2403.2 feet), to the POINT OF BEGINNING of the Parcel to be described ; thence 78 deg 29' 40" E, 860.43 feet (previously record as S 80 deg 45' E, 870 feet); thence due South 521.08 feet (previously recorded as 519 feet); thence along the East-West 1/4 line of said Section 6, N 89 deg 42' 26" W, 574.99 feet (previously recorded as West 578 feet); thence along the Northerly line of the CSX Railroad (100 foot wide Right of Way), N 55 deg 42' 23" W, 324.58 feet (previously recorded as N 54 deg 40' W, 323 feet); thence along the West line of said Section 6, and the centerline of Lucy Road,, due North, 506.88 feet (previously recorded as 510.2 feet), to the point of beginning, containing 11.15 acres, more or less, and subject to the rights of the public over the existing Lucy Road. Also subject to any other easements or restrictions of record.

Part of Tax Code No. 4711-06-100-006

(CONTINUED FROM PREVIOUS PAGE)

Job Number 10-408

3. Wheelock Associates Limited Partnership Property (Liber 3731, Page 0121)

Land in the Township of Genoa, County of Livingston, State of Michigan, described as follows:

Outlot A of "Bachman's Subdivision", as recorded in Liber 7 of Plats, Page 14, Livingston County Records.

Tax Code No. 4711-06-101-002

4. Land in the Township of Genoa, County of Livingston, State of Michigan, described as follows:

Lots 1, 2, 3, 4, 5, 6, 7 of "Bachman's Subdivision", as recorded in Liber 7 of Plats, Page 14, Livingston County Records.

Tax Code No. 4711-06-101-003

Tax Code No. 4711-06-101-004

Tax Code No. 4711-06-101-005

Tax Code No. 4711-06-101-006

Any and all lands of Lots 1, 2, 3, 4, 5, 6, 7 of "Bachman's Subdivision" located in Oceola Township are not included in this agreement

5. All that part of Outlot B of "Bachman's Subdivision", as recorded in Liber 7 of Plats, Page 14, Livingston County Records, lying in Genoa Township.

Tax Code No. 4711-06-101-007

Tax Code No. 4711-06-101-008

6. Land in the Township of Genoa, County of Livingston, State of Michigan, described as follows:

All that part of the Northwest 1/4 of the Southwest 1/4 of Section 6, T2N R5E, South of the Pere Marquette Railroad and West of the Ann Arbor Railroad containing 24 acres of land, more or less.

Tax Code No. 4711-06-300-002

(CONTINUED FROM PREVIOUS PAGE)

Job Number 10-408

7. Property situated in the Township of Genoa, Livingston County, Michigan

Being part of the Southwest 1/4 of the Southwest fractional 1/4 of Section 6, Town 2 North, Range 5 East, Michigan, described as follows: Beginning at the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 6, Town 2 North, Range 5 East, Michigan; thence South 460 feet along the centerline of the highway; thence East to the Westerly right of way line of the railroad; thence Northerly along the Westerly right of way line of the railroad; thence Northerly along the Westerly right of way line of the railroad to the North line of the Southwest 1/4 of the Southwest fractional 1/4; thence Westerly along the North line of the Southwest 1/4 of the Southwest fractional 1/4 to the point of beginning.

Commonly known as: 945 Lucy

Tax Number: 4711-06-300-003

8. Land in the Township of Genoa, County of Livingston, State of Michigan, to wit:

A part of the Southwest part of the Southwest fractional 1/4 of Section 6, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, described as: Beginning at the Southwest corner of said Section 6; thence North 386 feet along the centerline of highway; thence North 89 degrees 38 minutes East 225.97 feet; thence South 386 feet; thence South 89 degrees 38 minutes West 225.97 feet to the point of beginning, EXCEPTING THEREFROM that part conveyed for highway purposes in Liber 402, page 610, Livingston County Records.

Tax Code No. 4711-06-300-004

9. Parcel No. 1

Part of the Southwest fractional 1/4 of Section 6, T2N-R5E, Genoa Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Southwest Corner of said Section 6; thence along the West line of said Section 6, the centerline of Lucy Road and the Genoa-Marion Township Line, N 00 deg 42' 43" W, 386.00 feet, to the Point of Beginning of the Parcel to be described; thence continuing along the said West line of said Section 6 and the centerline of Lucy Road, N 00 deg 42' 43" W, 338.90 feet; thence N 89 deg 31' 12" E, 913.51 feet; thence along the West Line of the Ann Arbor Railroad (100 feet wide) S 05 deg 10' 50" W, 724.32 feet; thence along the North line of I-96 (Limited Access Highway) N 84 deg 59' 30" W, 616.24 feet; thence along a line previously surveyed and monumented, N 00 deg 42' 43" W, 325.02 feet; thence along a line previously surveyed and monumented, S 88 deg 59' 48" W, 225.97 feet, to the Point of Beginning; Containing 12.10 acres of land, more or less, and subject to the rights of the public over the existing Lucy Road. Also subject to any other easements or restrictions of record.

Tax Code No. 4711-06-300-008

(CONTINUED FROM PREVIOUS PAGE)

Job Number 10-408

10. Land in Section 6, T2N, R5E, Genoa Township, Livingston County, State of Michigan, commencing at the West 1/4 corner of Section 6; thence East 266.60 feet to the Easterly right-of-way of the C & O Railroad and the point of beginning; thence Southeasterly along said right-of-way 892.00 feet, more or less, to the Westerly right-of-way of the Ann Arbor Railroad; thence Northeasterly along said right-of-way 505.00 feet more or less, to the East-West 1/4 line of Section 6; thence West 862.75 feet to the point of beginning, containing 4.25 acres more or less.
Tax Code No. 4711-06-300-009



**HOWELL
MICHIGAN**

CITY OFFICES: 611 E. Grand River • Howell, MI 48843

(517) 546-3502 • (517) 546-3861

FAX: (517) 546-6030

May 26, 2010


Department of State
Office of the Great Seal
7064 Crowner Blvd.
Lansing MI 48918

RE: Conditional Transfer of Property

Enclosed is a certified and recorded copy of the Contract for Conditional Transfer of Property between the City of Howell and Genoa Charter Township dated December 21, 2009.

Please forward receipt of filing to my attention.

Sincerely,


Jane Cartwright, MMC
Howell City Clerk

C: Dennis Perkins, City Attorney
Mike Archinal, Genoa Township Manager

Enclosure

OFFICE OF THE GREAT SEAL

10 ~~MAY~~ ^{THUR} 2010 AM 9:49

RECEIVED/FILED
MICHIGAN DEPT. OF STATE



* 2010R-011881 *

2010R-011881

RECORDED ON
04/16/2010 04:49:37PM

SALLY REYNOLDS
REGISTER OF DEEDS
LIVINGSTON COUNTY, MI 48843

RECORDING: 28.00
REHON: 4.00

PAGES: 7

7

CITY OF HOWELL - GENOA CHARTER TOWNSHIP

CONTRACT FOR CONDITIONAL TRANSFER OF PROPERTY

PUBLIC ACT 425 OF 1984

This contract made on the 21st day of December, 2009 between the City of Howell, a Michigan Municipal Corporation, 611 E. Grand River Avenue, Howell, MI 48843 (hereinafter referred to as "CITY") and the Genoa Charter Township, a Michigan Charter Township, 2911 Dorr Road, Brighton, Michigan 48116 (hereinafter referred to as "TOWNSHIP").

WHEREAS, the CITY and TOWNSHIP have considered the factors contained in Section 3 of Act 425 of 1984, as amended (MCL 124.23), and desire, through cooperation, to foster quality economic development to benefit the respective communities and to bring about enhancement of tax base, providing municipal sewer and/or water services to the area involved, create needed jobs and the probability of additional development in the area would be greatly increased; and

WHEREAS, the only feasible way to provide these economic enhancements is to be through a cooperative contract between the TOWNSHIP and the CITY to provide that this area come under the jurisdiction of the CITY; and

WHEREAS, the CITY and TOWNSHIP have carefully considered the factors required by Section 3 of Public Act 425 of 1984; and

WHEREAS, the TOWNSHIP and CITY wish to cooperate to encourage economic development for the area and enhance the financial stability of both the TOWNSHIP and CITY;

NOW THEREFORE, by authority of Act 425 of the Public Acts of 1984 and in consideration of the promises, covenants and conditions hereinafter set forth, the parties agree as follows:

1. That the TOWNSHIP consents in advance to the transfer of parcels within the following described area to the CITY:

(See attached legal descriptions)

2. That the CITY agrees to accept the transfer of parcels within the above described area for any purpose allowed under Public Act 425 of 1984, as amended, upon execution of this agreement and filing of this agreement with the office of the Great Seal for the State of Michigan. The City shall make available the usual CITY services to said property, including municipal

04-16-10 16:47 RCVD

sewer and water services.

3. Following transfer, the CITY shall have full jurisdiction, including the powers of taxation, over the transferred area in perpetuity.

4. In recognition of its role in the formulation of this agreement and its continuing involvement and responsibilities for the property, the CITY and TOWNSHIP agree that, commencing in the year in which the first transfer of property pursuant to this contract takes place, and every year thereafter during the term of this agreement, and subject to the terms of this agreement, the City shall pay to the Township two (2) mills all ad valorem property taxes, real and personal, which the CITY collects for its own general operating fund purposes only, and which are attributable to the transferred properties at the time limits required herein. The CITY shall transmit to the TOWNSHIP its share of such revenues annually on November 1st and shall, as part of its annual audit, provide the TOWNSHIP with an audited annual statement of such revenue. The CITY hereby guarantees the TOWNSHIP will receive no less revenue from the transferred parcels than that which it would have received each year from said parcels as if this agreement did not exist. The CITY agrees that any tax abatement granted to a parcel or to personal property shall not reduce the monies otherwise due and payable to the TOWNSHIP according to the above stated formula and the CITY alone shall bear the reduction in tax revenues because of its grant of tax abatements.

5. That no other assets or liabilities shall be divided between the CITY and the TOWNSHIP as a result of the transfer involved in this contract.

6. That the CITY shall use the powers of its existing zoning ordinance to afford reasonable protection to residential properties located in the TOWNSHIP adjacent to the area being transferred to the CITY. As part of this commitment, the CITY shall use its existing site plan review powers to buffer industrial and commercial uses from TOWNSHIP residential uses.

7. That the CITY agrees that it will not require the owners or property within the conditionally transferred areas whose properties are served as of the date of this agreement by adequately functioning septic disposal systems or potable water wells to connect to the City's wastewater treatment system or water supply system until either such existing system fails or the property is otherwise compelled to connect to the CITY'S systems by lawful order of the Livingston County Health Department, the State of Michigan Health Department, or the Michigan Department of Environmental Quality, whichever occurs first.

8. That in the event the CITY does not comply with the requirements of Paragraph 4 of this Contract, the TOWNSHIP shall notify the CITY in writing of exactly how the CITY has not complied with the requirements of Paragraph 4. Said notice shall be personally served on the Howell City Clerk and also personally served on the Howell City Mayor or the Howell City Manager. Failure of the CITY to comply with the requirements of Paragraph 4 within 180 days from the date said notice was served as described herein, shall, at its option, entitle the TOWNSHIP to the return of the transferred area. The remainder of the Contract provisions may

be enforced by the TOWNSHIP by means of other civil actions, including declaratory judgments and injunctive relief from the Livingston County Circuit Court.

9. That this Contract shall be recorded, within 30 days of the date of its execution, with the Michigan Secretary of State and the Livingston County Register of Deeds.

10. That all agreements and covenants contained herein are severable, and in the event any of them, with the exception of those contained in Paragraphs 1- 4, shall be held to be invalid by any court having subject matter jurisdiction, this Contract shall be interpreted as if such invalid agreements or covenants were not contained herein.

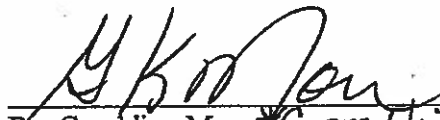
11. That this Contract shall continue in effect for a period of fifty (50) years from the date of execution of this Contract. At the end of this fifty (50) year period the transferred property shall continue to remain permanently in the jurisdiction of the CITY.

IN WITNESS WHEREOF:

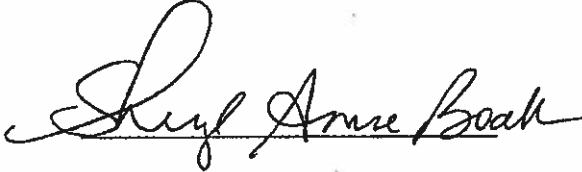
CITY OF HOWELL



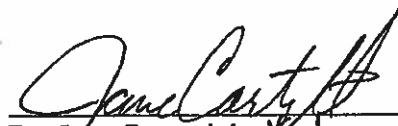
SHERYL ANNE BOAK
Notary Public, State of Michigan, County of Livingston
My Commission Expires July 6, 2015
Acting in the County of Livingston



By: Geraldine Moen *Geraldine K. Moen*
Its Mayor *G. K. Moen*



SHERYL ANNE BOAK
Notary Public, State of Michigan, County of Livingston
My Commission Expires July 6, 2015
Acting in the County of Livingston



By: Jane Cartwright *Jane L. Cartwright*
Howell City Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF LIVINGSTON)

On this 21 day of December, 2009, before me a Notary Public in and for said County, personally appeared *Geraldine K. Moen* and *Jane L. Cartwright* to me known to be the Mayor and City Clerk of the City of Howell, who being by me duly sworn, did say that they executed the foregoing City of Howell-Genoa Township contract for conditional transfer of property on behalf of the City of Howell by authority duly vested in them by the Howell City Charter.

Sheryl Anne Boak
Sheryl Anne Boak Notary Public
Livingston County, Michigan
My Commission expires: 7-6-2015

IN WITNESS WHEREOF:

GENOA CHARTER TOWNSHIP

Amy D. Ruthig
Amy D. Ruthig

Gary T. McCrie
By: Gary T. McCrie
Its Supervisor

Angela Williams
ANGELA WILLIAMS

Paulette A. Skalarus
By: Paulette A. Skalarus
Its Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF LIVINGSTON)

On this 21st day of December, 2009, before me a Notary Public in and for said County, personally appeared Gary McCrie and Paulette A. Skalarus to me known to be the Supervisor and Clerk of the Genoa Charter Township, who being by me duly sworn, did say that they executed the foregoing City of Howell-Genoa Charter Township contract for conditional transfer of property on behalf of the Genoa Charter Township by authority duly vested in them by law.

Karen Saari
Karen Saari Notary Public
Livingston County, Michigan
My Commission expires: 10-4-2011

GENOA CHARTER TOWNSHIP/CITY OF HOWELL
425 AGREEMENT PROPERTY DESCRIPTIONS
(SEE PARAGRAPH 1)

1. Land in the Township of Genoa, Livingston County, Michigan described as: Beginning at the NW corner of Section 6, T2N, R5E, thence South 2403.2 feet along the West line of Section 6; thence South 80 deg 45' East 870.00 feet; thence South 519.00 feet to the East & West 1/4 line of Section 6; thence East 285.00 feet along the 1/4 line to the West line of the Ann Arbor Railroad right-of-way, North 5 deg 38' East 1168.8 feet; thence Northerly along the arc of a 3 deg 3' curve left a distance of 1110.9 feet along said railroad; thence North 28 deg 15' West 952.00 feet; thence West 594.00 feet along the Section line of Section 6 to the point of beginning, excepting therefrom the North 495.0 feet of the West 1/2 of the Northwest quarter of Section 6 West of the railroad, containing 60.7 acres of land, more or less.

Tax Code No. 4711-06-100-005

2. Brockway Property (Liber 2039, Pages 0248-0249)

Land in the Township of Genoa, County of Livingston, State of Michigan, described as follows:

A part of the Northwest fractional 1/4 of Section 6, T2N, R5E, Michigan described as follows: Commencing at the Northwest Corner of Section 6; thence along the West line of said Section 6, and the centerline of Lucy Road, (66 foot wide Right of Way), due South, 2397.71 feet (previously recorded as 2403.2 feet), to the POINT OF BEGINNING of the Parcel to be described ; thence 78 deg 29' 40" E, 860.43 feet (previously record as S 80 deg 45' E, 870 feet); thence due South 521.08 feet (previously recorded as 519 feet); thence along the East-West 1/4 line of said Section 6, N 89 deg 42' 26" W, 574.99 feet (previously recorded as West 578 feet); thence along the Northerly line of the CSX Railroad (100 foot wide Right of Way), N 55 deg 42' 23" W, 324.58 feet (previously recorded as N 54 deg 40' W, 323 feet); thence along the West line of said Section 6, and the centerline of Lucy Road,, due North, 506.88 feet (previously recorded as 510.2 feet), to the point of beginning, containing 11.15 acres, more or less, and subject to the rights of the public over the existing Lucy Road. Also subject to any other easements or restrictions of record.

Part of Tax Code No. 4711-06-100-006

3. Wheelock Associates Limited Partnership Property (Liber 3731, Page 0121)

Land in the Township of Genoa, County of Livingston, State of Michigan, described as follows:

Outlot A of "Bachman's Subdivision", as recorded in Liber 7 of Plats, Page 14, Livingston County Records.

Tax Code No. 4711-06-101-002

4. Land in the Township of Genoa, County of Livingston, State of Michigan, described as follows:

Lots 1, 2, 3, 4, 5, 6, 7 of "Bachman's Subdivision", as recorded in Liber 7 of Plats, Page 14, Livingston County Records.

Tax Code No. 4711-06-101-003

Tax Code No. 4711-06-101-004

Tax Code No. 4711-06-101-005

Tax Code No. 4711-06-101-006

Any and all lands of Lots 1, 2, 3, 4, 5, 6, 7 of "Bachman's Subdivision" located in Oceola Township are not included in this agreement

5. All that part of Outlot B of "Bachman's Subdivision", as recorded in Liber 7 of Plats, Page 14, Livingston County Records, lying in Genoa Township.

Tax Code No. 4711-06-101-007

Tax Code No. 4711-06-101-008

6. Land in the Township of Genoa, County of Livingston, State of Michigan, described as follows:

All that part of the Northwest 1/4 of the Southwest 1/4 of Section 6, T2N R5E, South of the Pere Marquette Railroad and West of the Ann Arbor Railroad containing 24 acres of land, more or less.

Tax Code No. 4711-06-300-002

7. Property situated in the Township of Genoa, Livingston County, Michigan

Being part of the Southwest 1/4 of the Southwest fractional 1/4 of Section 6, Town 2 North, Range 5 East, Michigan, described as follows: Beginning at the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 6, Town 2 North, Range 5 East, Michigan; thence South 460 feet along the centerline of the highway; thence East to the Westerly right of way line of the railroad; thence Northerly along the Westerly right of way line of the railroad; thence Northerly along the Westerly right of way line of the railroad to the North line of the Southwest 1/4 of the Southwest fractional 1/4; thence Westerly along the North line of the Southwest 1/4 of the Southwest fractional 1/4 to the point of beginning

Commonly known as: 945 Lucy
Tax Number: 4711-06-300-003

8. Land in the Township of Genoa, County of Livingston, State of Michigan, to wit:

A part of the Southwest part of the Southwest fractional 1/4 of Section 6, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, described as: Beginning at the Southwest corner of said Section 6; thence North 386 feet along the centerline of highway; thence North 89 degrees 38 minutes East 225.97 feet; thence South 386 feet; thence South 89 degrees 38 minutes West 225.97 feet to the point of beginning, EXCEPTING THEREFROM that part conveyed for highway purposes in Liber 402, page 610, Livingston County Records.

Tax Code No. 4711-06-300-004

9. Parcel No. 1

Part of the Southwest fractional 1/4 of Section 6, T2N-R5E, Genoa Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Southwest Corner of said Section 6; thence along the West line of said Section 6, the centerline of Lucy Road and the Genoa-Marion Township Line, N 00 deg 42' 43" W, 386.00 feet, to the Point of Beginning of the Parcel to be described; thence continuing along the said West line of said Section 6 and the centerline of Lucy Road, N 00 deg 42' 43" W, 338.90 feet; thence N 89 deg 31' 12" E, 913.51 feet; thence along the West Line of the Ann Arbor Railroad (100 feet wide) S 05 deg 10' 50" W, 724.32 feet; thence along the North line of I-96 (Limited Access Highway) N 84 deg 59' 30" W, 616.24 feet; thence along a line previously surveyed and monumented, N 00 deg 42' 43" W, 325.02 feet; thence along a line previously surveyed and monumented, S 88 deg 59' 48" W, 225.97 feet, to the Point of Beginning; Containing 12.10 acres of land, more or less, and subject to the rights of the public over the existing Lucy Road. Also subject to any other easements or restrictions of record.

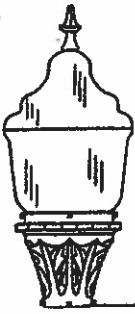
Tax Code No. 4711-06-300-008

10. Land in Section 6, T2N, R5E, Genoa Township, Livingston County, State of Michigan, commencing at the West 1/4 corner of Section 6; thence East 266.60 feet to the Easterly right-of-way of the C & O Railroad and the point of beginning; thence Southeasterly along said right-of-way 892.00 feet, more or less, to the Westerly right-of-way of the Ann Arbor Railroad; thence Northeasterly along said right-of-way 505.00 feet more or less, to the East-West 1/4 line of Section 6; thence West 862.75 feet to the point of beginning, containing 4.25 acres more or less.

Tax Code No. 4711-06-300-009

Drafted by: Dennis L. Perkins, P.C., 105 E. Grand River, Howell MI 48843

Return to: Jane Cartwright, Howell City Clerk, 611 E. Grand River, Howell MI 48843



**HOWELL
MICHIGAN**

GENOA TOWNSHIP

MAY 28 2010

RECEIVED

CITY OFFICES: 611 E. Grand River • Howell, MI 48843

(517) 546-3502 • (517) 546-3861

FAX: (517) 546-6030

May 26, 2010

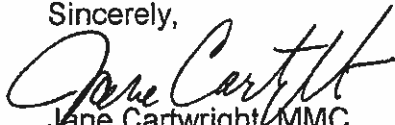
Department of State
Office of the Great Seal
7064 Crowner Blvd.
Lansing MI 48918

RE: Conditional Transfer of Property

Enclosed is a certified and recorded copy of the Contract for Conditional Transfer of Property between the City of Howell and Genoa Charter Township dated December 21, 2009.

Please forward receipt of filing to my attention.

Sincerely,


Jane Cartwright, MMC
Howell City Clerk

C: Dennis Perkins, City Attorney
Mike Archinal, Genoa Township Manager

Enclosure



* 2 0 1 0 R - 0 1 1 8 8 1 *

2010R-011881

RECORDED ON

04/16/2010 04:49:37PM

SALLY REYNOLDS

REGISTER OF DEEDS

LIVINGSTON COUNTY, MI 48843

RECORDING: 28.00

REHOW: 4.00

PAGES: 7

7

CITY OF HOWELL – GENOA CHARTER TOWNSHIP
CONTRACT FOR CONDITIONAL TRANSFER OF PROPERTY
PUBLIC ACT 425 OF 1984

This contract made on the 21st day of December, 2009 between the City of Howell, a Michigan Municipal Corporation, 611 E. Grand River Avenue, Howell, MI 48843 (hereinafter referred to as "CITY") and the Genoa Charter Township, a Michigan Charter Township, 2911 Dorr Road, Brighton, Michigan 48116 (hereinafter referred to as "TOWNSHIP").

WHEREAS, the CITY and TOWNSHIP have considered the factors contained in Section 3 of Act 425 of 1984, as amended (MCL 124.23), and desire, through cooperation, to foster quality economic development to benefit the respective communities and to bring about enhancement of tax base, providing municipal sewer and/or water services to the area involved, create needed jobs and the probability of additional development in the area would be greatly increased; and

WHEREAS, the only feasible way to provide these economic enhancements is to be through a cooperative contract between the TOWNSHIP and the CITY to provide that this area come under the jurisdiction of the CITY; and

WHEREAS, the CITY and TOWNSHIP have carefully considered the factors required by Section 3 of Public Act 425 of 1984; and

WHEREAS, the TOWNSHIP and CITY wish to cooperate to encourage economic

sewer and water services.

3. Following transfer, the CITY shall have full jurisdiction, including the powers of taxation, over the transferred area in perpetuity.

4. In recognition of its role in the formulation of this agreement and its continuing involvement and responsibilities for the property, the CITY and TOWNSHIP agree that, commencing in the year in which the first transfer of property pursuant to this contract takes place, and every year thereafter during the term of this agreement, and subject to the terms of this agreement, the City shall pay to the Township two (2) mills all ad valorem property taxes, real and personal, which the CITY collects for its own general operating fund purposes only, and which are attributable to the transferred properties at the time limits required herein. The CITY shall transmit to the TOWNSHIP its share of such revenues annually on November 1st and shall, as part of its annual audit, provide the TOWNSHIP with an audited annual statement of such revenue. The CITY hereby guarantees the TOWNSHIP will receive no less revenue from the transferred parcels than that which it would have received each year from said parcels as if this agreement did not exist. The CITY agrees that any tax abatement granted to a parcel or to personal property shall not reduce the monies otherwise due and payable to the TOWNSHIP according to the above stated formula and the CITY alone shall bear the reduction in tax revenues because of its grant of tax abatements.

5. That no other assets or liabilities shall be divided between the CITY and the TOWNSHIP as a result of the transfer involved in this contract.

6. That the CITY shall use the powers of its existing zoning ordinance to afford reasonable protection to residential properties located in the TOWNSHIP adjacent to the area being transferred to the CITY. As part of this commitment, the CITY shall use its existing site plan review powers to buffer industrial and commercial uses from TOWNSHIP residential uses.

7. That the CITY agrees that it will not require the owners or property within the conditionally transferred areas whose properties are served as of the date of this agreement by adequately functioning septic disposal systems or potable water wells to connect to the City's wastewater treatment system or water supply system until either such existing system fails or the property is otherwise compelled to connect to the CITY'S systems by lawful order of the Livingston County Health Department, the State of Michigan Health Department, or the Michigan Department of Environmental Quality, whichever occurs first.

8. That in the event the CITY does not comply with the requirements of Paragraph 4 of this Contract, the TOWNSHIP shall notify the CITY in writing of exactly how the CITY has not complied with the requirements of Paragraph 4. Said notice shall be personally served on the Howell City Clerk and also personally served on the Howell City Mayor or the Howell City Manager. Failure of the CITY to comply with the requirements of Paragraph 4 within 180 days from the date said notice was served as described herein, shall, at its option, entitle the TOWNSHIP to the return of the transferred area. The remainder of the Contract provisions may

be enforced by the TOWNSHIP by means of other civil actions, including declaratory judgments and injunctive relief from the Livingston County Circuit Court.

9. That this Contract shall be recorded, within 30 days of the date of its execution, with the Michigan Secretary of State and the Livingston County Register of Deeds.

10. That all agreements and covenants contained herein are severable, and in the event any of them, with the exception of those contained in Paragraphs 1- 4, shall be held to be invalid by any court having subject matter jurisdiction, this Contract shall be interpreted as if such invalid agreements or covenants were not contained herein.

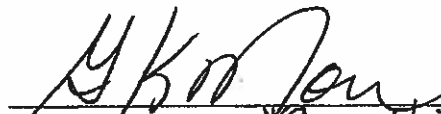
11. That this Contract shall continue in effect for a period of fifty (50) years from the date of execution of this Contract. At the end of this fifty (50) year period the transferred property shall continue to remain permanently in the jurisdiction of the CITY.

IN WITNESS WHEREOF:

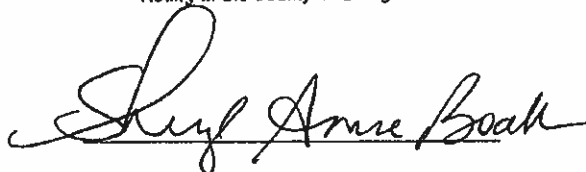
CITY OF HOWELL



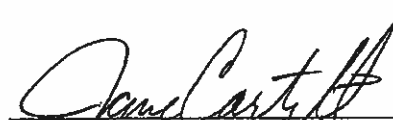
SHERYL ANNE BOAK
Notary Public, State of Michigan, County of Livingston
My Commission Expires July 6, 2015
Acting in the County of Livingston



By: Geraldine Moen *Geraldine K. Moen*
Its Mayor *G. K. Moen*



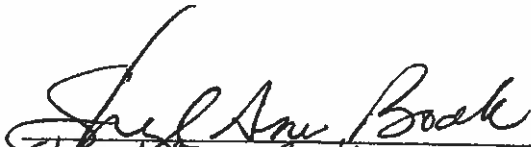
SHERYL ANNE BOAK
Notary Public, State of Michigan, County of Livingston
My Commission Expires July 6, 2015
Acting in the County of Livingston



By: Jane Cartwright *Jane L. Cartwright*
Howell City Clerk

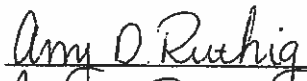
STATE OF MICHIGAN)
)ss
COUNTY OF LIVINGSTON)

On this 21 day of December, 2009, before me a Notary Public in and for said County, personally appeared *Geraldine K. Moen* and *Jane L. Cartwright* to me known to be the Mayor and City Clerk of the City of Howell, who being by me duly sworn, did say that they executed the foregoing City of Howell-Genoa Township contract for conditional transfer of property on behalf of the City of Howell by authority duly vested in them by the Howell City Charter.

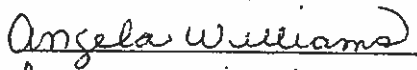

Sheryl Anne Boak Notary Public
Livingston County, Michigan
My Commission expires: 7-6-2015


IN WITNESS WHEREOF:

GENOA CHARTER TOWNSHIP


Amy D. Ruthig

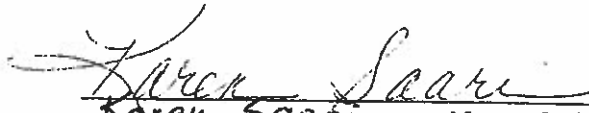

By: Gary T. McCrie
Its Supervisor


ANGELA WILLIAMS


By: Paulette A. Skalarus
Its Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF LIVINGSTON)

On this 21st day of December, 2009, before me a Notary Public in and for said County, personally appeared Gary McCrie and Paulette A. Skalarus to me known to be the Supervisor and Clerk of the Genoa Charter Township, who being by me duly sworn, did say that they executed the foregoing City of Howell-Genoa Charter Township contract for conditional transfer of property on behalf of the Genoa Charter Township by authority duly vested in them by law.


Karen Saari Notary Public
Livingston County, Michigan
My Commission expires: 10-4-2011

GENOA CHARTER TOWNSHIP/CITY OF HOWELL
425 AGREEMENT PROPERTY DESCRIPTIONS
(SEE PARAGRAPH 1)

1. Land in the Township of Genoa, Livingston County, Michigan described as: Beginning at the NW corner of Section 6, T2N, R5E, thence South 2403.2 feet along the West line of Section 6; thence South 80 deg 45' East 870.00 feet; thence South 519.00 feet to the East & West 1/4 line of Section 6; thence East 285.00 feet along the 1/4 line to the West line of the Ann Arbor Railroad right-of-way, North 5 deg 38' East 1168.8 feet; thence Northerly along the arc of a 3 deg 3' curve left a distance of 1110.9 feet along said railroad; thence North 28 deg 15' West 952.00 feet; thence West 594.00 feet along the Section line of Section 6 to the point of beginning, excepting therefrom the North 495.0 feet of the West ½ of the Northwest quarter of Section 6 West of the railroad, containing 60.7 acres of land, more or less.

Tax Code No. 4711-06-100-005

2. Brockway Property (Liber 2039, Pages 0248-0249)

Land in the Township of Genoa, County of Livingston, State of Michigan, described as follows:

A part of the Northwest fractional 1/4 of Section 6, T2N, R5E, Michigan described as follows: Commencing at the Northwest Corner of Section 6; thence along the West line of said Section 6, and the centerline of Lucy Road, (66 foot wide Right of Way), due South, 2397.71 feet (previously recorded as 2403.2 feet), to the POINT OF BEGINNING of the Parcel to be described ; thence 78 deg 29' 40" E, 860.43 feet (previously record as S 80 deg 45' E, 870 feet); thence due South 521.08 feet (previously recorded as 519 feet); thence along the East-West 1/4 line of said Section 6, N 89 deg 42' 26" W, 574.99 feet (previously recorded as West 578 feet); thence along the Northerly line of the CSX Railroad (100 foot wide Right of Way), N 55 deg 42' 23" W, 324.58 feet (previously recorded as N 54 deg 40' W, 323 feet); thence along the West line of said Section 6, and the centerline of Lucy Road,, due North, 506.88 feet (previously recorded as 510.2 feet), to the point of beginning, containing 11.15 acres, more or less, and subject to the rights of the public over the existing Lucy Road. Also subject to any other easements or restrictions of record.

Part of Tax Code No. 4711-06-100-006

3. Wheelock Associates Limited Partnership Property (Liber 3731, Page 0121)

Land in the Township of Genoa, County of Livingston, State of Michigan, described as follows:

Outlot A of "Bachman's Subdivision", as recorded in Liber 7 of Plats, Page 14, Livingston County Records.

Tax Code No. 4711-06-101-002

4. Land in the Township of Genoa, County of Livingston, State of Michigan, described as follows:

Lots 1, 2, 3, 4, 5, 6, 7 of "Bachman's Subdivision", as recorded in Liber 7 of Plats, Page 14, Livingston County Records.

Tax Code No. 4711-06-101-003

Tax Code No. 4711-06-101-004

Tax Code No. 4711-06-101-005

Tax Code No. 4711-06-101-006

Any and all lands of Lots 1, 2, 3, 4, 5, 6, 7 of "Bachman's Subdivision" located in Oceola Township are not included in this agreement

5. All that part of Outlot B of "Bachman's Subdivision", as recorded in Liber 7 of Plats, Page 14, Livingston County Records, lying in Genoa Township.

Tax Code No. 4711-06-101-007

Tax Code No. 4711-06-101-008

6. Land in the Township of Genoa, County of Livingston, State of Michigan, described as follows:

All that part of the Northwest 1/4 of the Southwest 1/4 of Section 6, T2N R5E, South of the Pere Marquette Railroad and West of the Ann Arbor Railroad containing 24 acres of land, more or less.

Tax Code No. 4711-06-300-002

7. Property situated in the Township of Genoa, Livingston County, Michigan

Being part of the Southwest 1/4 of the Southwest fractional 1/4 of Section 6, Town 2 North, Range 5 East, Michigan, described as follows: Beginning at the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 6, Town 2 North, Range 5 East, Michigan; thence South 460 feet along the centerline of the highway; thence East to the Westerly right of way line of the railroad; thence Northerly along the Westerly right of way line of the railroad; thence Northerly along the Westerly right of way line of the railroad to the North line of the Southwest 1/4 of the Southwest fractional 1/4; thence Westerly along the North line of the Southwest 1/4 of the Southwest fractional 1/4 to the point of beginning

Commonly known as: 945 Lucy
Tax Number: 4711-06-300-003

8. Land in the Township of Genoa, County of Livingston, State of Michigan, to wit:

A part of the Southwest part of the Southwest fractional 1/4 of Section 6, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, described as: Beginning at the Southwest corner of said Section 6; thence North 386 feet along the centerline of highway; thence North 89 degrees 38 minutes East 225.97 feet; thence South 386 feet; thence South 89 degrees 38 minutes West 225.97 feet to the point of beginning, EXCEPTING THEREFROM that part conveyed for highway purposes in Liber 402, page 610, Livingston County Records.

Tax Code No. 4711-06-300-004

9. Parcel No. 1

Part of the Southwest fractional 1/4 of Section 6, T2N-R5E, Genoa Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Southwest Corner of said Section 6; thence along the West line of said Section 6, the centerline of Lucy Road and the Genoa-Marion Township Line, N 00 deg 42' 43" W, 386.00 feet, to the Point of Beginning of the Parcel to be described; thence continuing along the said West line of said Section 6 and the centerline of Lucy Road, N 00 deg 42' 43" W, 338.90 feet; thence N 89 deg 31' 12" E, 913.51 feet; thence along the West Line of the Ann Arbor Railroad (100 feet wide) S 05 deg 10' 50" W, 724.32 feet; thence along the North line of I-96 (Limited Access Highway) N 84 deg 59' 30" W, 616.24 feet; thence along a line previously surveyed and monumented, N 00 deg 42' 43" W, 325.02 feet; thence along a line previously surveyed and monumented, S 88 deg 59' 48" W, 225.97 feet, to the Point of Beginning; Containing 12.10 acres of land, more or less, and subject to the rights of the public over the existing Lucy Road. Also subject to any other easements or restrictions of record.

Tax Code No. 4711-06-300-008

10. Land in Section 6, T2N, R5E, Genoa Township, Livingston County, State of Michigan, commencing at the West 1/4 corner of Section 6; thence East 266.60 feet to the Easterly right-of-way of the C & O Railroad and the point of beginning; thence Southeasterly along said right-of-way 892.00 feet, more or less, to the Westerly right-of-way of the Ann Arbor Railroad; thence Northeasterly along said right-of-way 505.00 feet more or less, to the East-West 1/4 line of Section 6; thence West 862.75 feet to the point of beginning, containing 4.25 acres more or less.

Tax Code No. 4711-06-300-009

Drafted by: Dennis L. Perkins, P.C., 105 E. Grand River, Howell MI 48843

✓ Return to: Jane Cartwright, Howell City Clerk, 611 E. Grand River, Howell MI 48843





To Board 11/15/21

Polly

From: Polly
Sent: Tuesday, November 2, 2021 12:18 PM
To: 'Rob McColl'
Subject: RE: Thank You

Rob, Thank you for your patience 30 years is a long time, but we finally did it. It was you who found the solution and I am so happy that you brought it to my attention. Polly

Paulette Skolarus, Clerk



Genoa Charter Township
2911 Dorr Rd
Brighton, MI 48116
(810)227-5225

polly@genoa.org
www.genoa.org

From: Rob McColl <rob.mccoll.1964@gmail.com>
Sent: Tuesday, November 2, 2021 12:14 PM
To: Polly <pskolarus@genoa.org>; Mike Archinal <Mike@genoa.org>; Robin Hunt <Robin@genoa.org>; support@misignal.com
Subject: Thank You

All,

Received the good news on approval for internet buildout and wish to say thank you! Being a resident for 30 years this month and advocate for internet technology all along have seen a lot of attempts that just didn't work for various reasons. This time around was different on many levels. I wish to say thank you for navigating uncharted waters to build a case that ultimately led to the proposal and boards approval last night. This clearly benefits me but I think the uniqueness is this benefits us all. The moons were aligned this time around.

Thanks again for you hard work behind the scenes.

Regards,

rob
Sent from Mail for Windows



To Board 11/15/21

November 4, 2021

Ms. Polly Skolarus, Clerk
Township of Genoa
2911 Dorr Rd.
Brighton, MI 48116

RE: Programming Advisory

Dear Ms. Skolarus:

We are committed to keeping you and our customers informed about changes to Xfinity TV services. As part of that ongoing commitment to keep you informed, we wanted to update you on the following:

Effective December 31, 2021, NBC Sports Network (NBCSN) will cease operations.

Also, pursuant to P.A. 480 of 2006, Section 9 (4), Comcast Cable's local operating entity hereby reports that Comcast does not deny access to services to any group of potential residential subscribers because of the race or income of the residents in the local area. A similar report has been filed with the Michigan Public Service Commission.

Please feel free to contact me at 734-359-2308 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kyle V. Mazurek".

Kyle V. Mazurek
Manager of External Affairs
Comcast, Heartland Region
41112 Concept Drive
Plymouth, MI 48170



Fiber Optic Internet Construction

MiSignal is pleased to announce the commencement of construction of Fiber Optic infrastructure for Genoa Township that will begin today. MiSignal will be building out the infrastructure and service to deliver High-speed Internet (1 gigabit Fiber Optic) service for the unserved and underserved areas of Genoa Township.

WHAT TO EXPECT:

MiSignal will be accessing public easements to run new fiber lines. These areas are usually where power / utility poles are located. Our field management teams will notify all residents as construction commences in each area. Our teams may need to access residential yards or driveways as lines are constructed. We will make every attempt to make contact with you before entering residential and private property.

MiSignal construction personnel all wear highly visible branded uniforms, and carry company identification cards. You can ask them to present these at any time. All team members are able to provide contact information for supervisors if you have any questions about the construction taking place in your area.

CONSTRUCTION PHASES:

Phase 1: (90 Days) Contingent on DTE permission – During this phase DTE will be sending out their contractors if needed to make any adjustments to poles that might require maintenance or replacement.

Phase 2: (45 Days) Supporting Lines (strand) will be installed on the utility poles. This cable is a support cable providing extra strength to securely hold the fiber optic lines in place. MiSignal teams will be doing this part of the construction and you will see crews on and off throughout this phase.

Phase 3: (45 Days) Backbone 1 will be installed from Grand River and Chilson Rd to Chilson and Brighton Rd. Backbone 2 will be installed from Grand River and Golf Club to Golf Club and Hacker Rd. MiSignal teams will be on site daily during this phase of cable installation.

MiSignal's goal is to bring high-quality, high-speed internet service to Genoa township and after construction is complete, leave all areas as they were found. If at any time you have any questions or concerns, please feel free to reach out to us.

CONTACT:

MiSignal Support
517-234-3434
support@misignal.com