

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MARCH 19, 2001**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Supervisor Gabrielson called the meeting to order at 7:30 p.m.

Present: Gabrielson, Mueller, Garfield, Mathis, McKenna, Rowe, Office Manager
Broecker and Attorney Cooley

Absent: Krug

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 3/19/01 Fenton Township Board Meeting agenda as presented.

Motion by: McKenna

Seconded: Mathis

Ayes: All Present

Nays: None

Absent: Krug

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 3/5/01 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices for payment as presented.

Motion by: Garfield

Seconded: McKenna

Ayes: Gabrielson, Mueller, Garfield, Mathis, McKenna, Rowe

Nays: None

Absent: Krug

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

Public Safety Update

Trustee Mathis publicly thanked the Fenton Township Service Club for their generous donation to Fenton Township Fire Department Captain Dale Caten. Dale is currently being treated for cancer but does not have health insurance.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

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Vehicle Code Ordinance/2nd Reading

Supervisor Gabrielson reviewed the proposed ordinance that adopts the Michigan Vehicle Code. There was no further discussion.

Motion to adopt Ordinance No. 575, an ordinance adopting the Michigan Vehicle Code, as presented.

Motion by: Mueller

Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, Mathis, McKenna, Rowe

Nays: None

Absent: Krug

Motion carried. Ordinance declared adopted.

Rezoning #346, Fred Kubik, parcel 06-14-300-022; R-1A to PUD/1st Reading

Supervisor Gabrielson reviewed the proposed rezoning. Trustee McKenna reported that the Planning Commission had conducted a public hearing on this application at their last meeting. A motion to recommend approval was defeated by a 4-2 vote.

Attorney George Rizik, representing the applicant, stated that Mr. Kubik's request for PUD zoning was to allow him to move and maintain up to 12 horses from the property across Torrey Road to this property. Only one home would be built on the property. The property is currently zoned R-1A and the Master Plan designates the property for medium density residential development, however the slopes, wetlands and soil types on the property make residential development a less feasible alternative.

Before opening up for public comment, Supervisor Gabrielson asked the people in attendance not to raise site plan issues. The plan before the board is only conceptual and would be subject to further revisions if the rezoning were ultimately approved.

Public Comment:

The following individuals spoke in opposition of the proposed rezoning:

Bob Christiansen, 2483 Malibu Court

Joe Buono, owner/developer of property immediately north of subject property

Julie Dupay

Dave Gibbons, 2467 Malibu Court

Nancy Miller, 2465 Malibu Court

Shirley Tabiaddon, 13467 Torrey Road

Dale Lenz, 2504 Golden Shores Court

Glenn Rockman, 13433 Lakeshore Drive

Thomas Morris, 2485 Malibu Court

Their concerns/objections included:

- ⇒ Request is not consistent with Master Plan or surrounding zoning
- ⇒ Polluted drainage/runoff from the horse farm
- ⇒ Impact on wetlands, lakes and streams

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- ⇒ The proposed number of horses for the available acreage
- ⇒ Enforcement of agricultural management practices
- ⇒ Increase in total horses in the immediate area, since additional horses would likely be moved into the existing farm across the street, would be too much for this residential area
- ⇒ Odors and related problems resulting from a horse farm being so close to a residential area

The following individuals spoke in favor of the proposed rezoning:

Cal Gatesman, 3523 Rolston Road

Joe Florida, 12488 Margaret Drive

Larry Ruhstorfer, 14174 Moffett Drive

Their comments/statements included:

- ⇒ Water/drainage related concerns are site plan issues and not relevant to the rezoning decision
- ⇒ The property is not suitable for residential development; A PUD with a single home and horse barn is a good compromise
- ⇒ The applicant has a right to develop his property

Clerk Mueller stated his opinion that 12 horses on this parcel are too many. He also expressed concern that approving the application would constitute “spot zoning”. Trustee Rowe agreed that the property was not large enough to support 12 horses. Trustee McKenna stated that he, and the majority of the Planning Commission, simply do not believe the requested rezoning is appropriate for the area. The Master Plan should guide these types of decisions.

Supervisor Gabrielson stated that, in order to make this meeting a valid first reading of the proposed rezoning ordinance, the board needs to agree on the conditions to attach to the rezoning ordinance. This will enable the board to take final action on the request at the next meeting. After considerable discussion the following conditions were approved:

Permitted Uses:

1. Single family residential
2. Keeping of horses

Other Conditions:

1. A maximum of one (1) dwelling unit may be constructed on the subject property.
2. A maximum of four (4) horses may be maintained on the subject property.
3. Horses shall not be allowed to roam/graze outside of the subject property.
4. The boarding of horses shall not be permitted on the subject property.
5. All statutes and ordinances related to wetlands and surface water shall be adhered to.

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There was no further discussion. The second reading of the proposed rezoning ordinance will be conducted at the 4/2/01 meeting.

UNFINISHED BUSINESS-OTHER:

Proposed Thompson Road Corridor Study Project

Supervisor Gabrielson briefly reviewed the Rowe Incorporated proposal for a corridor study on Thompson Road. If approved and completed, such a study would provide standards for commercial/industrial development on Thompson Road between US-23 and Main Road. The estimated cost of the proposal is \$80,000.00. It was also noted that this study would increase the township's chances of obtaining grants for infrastructure improvements in the Thompson Road area.

Motion to approve the proposal for the Thompson Road Corridor Study, as presented by Rowe Incorporated.

Motion by: Mueller

Seconded: Rowe

Ayes: Gabrielson, Mueller, Garfield, Mathis, McKenna, Rowe

Nays: None

Absent: Krug

Motion carried.

NEW BUSINESS:

Selection of Architect(s) – Civic Community Center Renovations & Fire Station #3

Jim Wilson of Rowe Incorporated reported that three architectural firms, CHMP, Ted Hu & Associates and RJI Architects, had submitted Statements of Qualifications. All three firms are well qualified and capable of performing the outlined projects. Based on their previous work on the Fenton Township Office, Mr. Wilson recommends retaining Ted Hu & Associates to perform the architectural services on the renovation project for the Fenton Township Civic Community Center. Mr. Hu and his staff are familiar with the existing building and have a good working relationship with the township. Mr. Wilson recommended RJI Architects for the Fire Station #3 construction project. Ron Isaacson did the architectural work for Station #2 and a recent addition to Station #1. He also has a good working relationship with the township.

Motion to retain the services of Ted Hu & Associates, Inc. to provide architectural services for the proposed project to renovate the Fenton Township Civic Community Center; and to retain the services of RJI Architects, Inc. to provide architectural services for the proposed project to construct a new fire station, as recommended by Rowe Incorporated.

Motion by: Mueller

Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, Mathis, McKenna, Rowe

Nays: None

Absent: Krug

Motion carried.

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Quarterly Amendment to Fenton Township Budgets

Office Manager Broecker reviewed the proposed first quarter amendments to the various township budgets. Budgets for natural gas expenses were increased due to the recent Consumers Power rate increase. Several other minor revisions were briefly discussed.

Motion to adopt the amended 2001 Fenton Township Budgets as presented.

Motion by: Mueller

Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, Mathis, McKenna, Rowe

Nays: None

Absent: Krug

Motion carried.

OTHER ISSUES-TOWNSHIP BOARD:

None

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Krystle Stasik, 12133 Dalhart Drive

Ms. Stasik presented photos of poor road conditions on Dalhart Drive. She also cited information from a law book that states that municipalities may be responsible for car damage caused by road conditions. Supervisor Gabrielson asked Krystle if she would be available to meet with Genesee County Road Commission Director John Daly to discuss these issues. A meeting will be scheduled ASAP.

ADJOURN: Meeting adjourned at 9:45 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 3/20/01