

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF NOVEMBER 5, 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, Krug, Mathis, McKenna, Rowe, Office
Manager Broecker and Attorney Cooley

Absent: None

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 11/5/01 Fenton Township Board Meeting agenda as presented.

Motion by: Rowe

Seconded: Krug

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 10/15/01 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices for payment as presented.

Motion by: McKenna

Seconded: Krug

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

Pinnacle Shores II Street Lighting Special Assessment District/1st Hearing

Supervisor Gabrielson reviewed the proposed street lighting special assessment for the second phase of the Pinnacle Shores subdivision. It was noted that the developer still owns 100% of the property in the proposed district. There was no public comment. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2001-44

WHEREAS, the Fenton Township Board has received petitions signed by more than 50% of the total land area of the proposed Special Assessment District described hereinafter, and accordingly, determined to proceed under the provisions of 1954 PA 188, as amended, to secure plans and estimates of cost together with a proposed Special Assessment District for assessing the costs of the proposed street lighting project to schedule a public hearing upon the same for this date, and

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WHEREAS, the plans, estimates of cost and proposed Special Assessment District were filed with the Township Clerk for public examination and notice of the hearing upon same was published and mailed in accordance with law and statute provided as shown by affidavits pertaining thereto on file with the Township Clerk, and

WHEREAS, in accordance with the aforesaid notices, a hearing was scheduled this 5th day of November 2001 commencing at 7:30 p.m. and all persons given the opportunity to be heard in the matter, and

WHEREAS, as a result of the foregoing, the Township Board believes the project to be in the best interests of the Township and of the district proposed to be established therefor;

THEREFORE BE IT RESOLVED, that the Fenton Township Board does hereby determine that the petitions for the Pinnacle Shores II Street Lighting Special Assessment District were properly signed by the record owners of land whose land constitutes more than 50% of the total land area upon the proposed improvement, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby approve the plans for the maintenance of street lights in Phase II of the Pinnacle Shores Subdivision as prepared and presented, and the estimated costs thereof of \$450.00 per year, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby create, determine and define as a Special Assessment District to be known as the Pinnacle Shores II Street Lighting Special Assessment District, within which the costs of such improvements shall be assessed, the following described area within said township:

Lots 53-76 of the Pinnacle Shores Subdivision

BE IT FURTHER RESOLVED, that on the basis of the foregoing, the Fenton Township Board does hereby direct the Supervisor and assessing officer to make a special assessment roll in which shall be entered and described all the parcels of land to be assessed with the names of the respective owners thereof if known, and a total amount to be assessed against each parcel of land in the Special Assessment District. When the same has been completed, the Supervisor and assessing officer shall affix thereto his/her certificate stating that it was made pursuant to this Resolution and that in making such assessment roll, he has, according to his best judgement, conformed in all respects to the directions contained in this Resolution and the applicable state statutes.

Motion to adopt Resolution No. 2001-44 as presented.

Motion by: Mueller

Seconded: Garfield

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

Nays: None

Motion carried. Resolution declared adopted.

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Supervisor Gabrielson stated that, in anticipation of the preceding resolution, an assessment roll has been created, certified and submitted to the Township Clerk. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2001-45

WHEREAS, the Supervisor and assessing officer of Fenton Township has, in accordance with the Resolution of the Fenton Township Board and the laws and statutes pertinent thereto, prepared a special assessment roll in the total amount of \$450.00 per year, covering all parcels of land within the Pinnacle Shores II Street Lighting Special Assessment District, and has affixed thereto his Certificate as required by said Resolution;

THEREFORE BE IT RESOLVED, that said special assessment roll shall be filed with the Township Clerk and shall be available for public examination during regular business hours of regular business days from the present date until the public hearing upon the same and shall further be examined at such public hearing, and

BE IT FURTHER RESOLVED, that the Fenton Township Board shall meet at 7:30 p.m. on November 19, 2001 at the Fenton Township Civic Community Center located at 12060 Mantawauka Drive, within the Township, to review such special assessment roll and hear any objections thereto, and

BE IT FURTHER RESOLVED, that the Township Clerk shall cause notice of such hearing and the filing of such assessment roll to be published twice in a newspaper of local circulation prior to the date of the hearing, with the first publication being not less than ten (10) days prior to the hearing and shall further cause notice of such hearing to be mailed by First Class Mail to all owners of or persons having an ownership interest in property within the Pinnacle Shores II Street Lighting Special Assessment District as shown on the current assessment roll of the Township also at least ten (10) days prior to said hearing, all in accordance with the law and statute provided.

Motion to adopt Resolution No. 2001-45 as presented.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Motion carried. Resolution declared adopted.

REPORTS:

Fenton Township Service Club Appreciation Dinner

Treasurer Garfield reported that the Fenton Township Service Club has scheduled their annual appreciation dinner for December 9, 2001. This banquet is for the purpose of recognizing and honoring the Fenton Township Fire Department and the Genesee County Sheriff Department.

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New Driveway – Fire Station #1

Supervisor Gabrielson reported that the concrete drive at Fire Station #1 has been completed. The drainage portion of the project should be completed within the next week or two.

Michigan Society of Planning – Annual Conference

Supervisor Gabrielson reported that he, Bob Krug, Sandra Carlson (Planning Commission), Penny Sharich and Valerie McDonald (planning staff) attended the MSP annual educational conference on Mackinac Island. All attendees were impressed by the quality of the conference and felt they obtained lots of useful information.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Rezoning #354, Fenton Midtown LLC, 06-17-100-006; AG to PUD/2nd Reading

Supervisor Gabrielson reviewed the proposed PUD rezoning. Trustee Mathis questioned the side setbacks in the proposed ordinance. Supervisor Gabrielson stated that the 0 (zero) minimum 1 side and 10-foot total 2 sides would still ensure a minimum of 10 feet between any two structures. Trustee Mathis also expressed concern regarding the approval of this rezoning because of the impact on schools, police protection and fire protection. There was no further discussion.

Motion to adopt Ordinance No. 583, an amendment to Zoning Ordinance No. 186 to rezone parcel 06-17-100-006 from AG to PUD, as presented.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Garfield, McKenna, Rowe

Nays: Krug, Mathis

Motion carried. Ordinance declared adopted.

Rezoning #356, Kingsway Builders, parcel 06-17-200-013; R-1A to PUD/2nd Reading

Supervisor Gabrielson reviewed the proposed rezoning. Treasurer Garfield stated that she is opposed to the minimum floor area per dwelling unit requirements as stated in the conditions. She recommends a 1,250 square foot minimum on all units. Trustee Mathis agreed with the concerns raised by Treasurer Garfield. Trustee McKenna stated that he supports changing to the 1,250 square foot minimum on the detached units but favors leaving the attached units as proposed. Trustee Mathis also stated concerns regarding the density of this proposed development and its compatibility with surrounding developments. After a lengthy discussion it was recommended that the conditions contained in the proposed rezoning ordinance be amended.

Motion to amend the conditions in the proposed rezoning ordinance for parcel 06-17-200-013 as follows:

1. *A minimum of 39% of the parcel shall remain as dedicated undeveloped open space.*
2. *The total density of the development shall not exceed 2.33 unit per acre.*

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3. *Permitted uses shall be restricted to the following:*
 1. *Single family detached dwelling units.*
 2. *Single family attached dwelling units.*
 3. *Accessory buildings and uses customarily incidental to the above permitted principal uses.*
4. *In areas designated for single family detached residential units, the maximum building height, and minimum front, side and rear yard setbacks shall conform with the requirements of the R-1C zoning district.*
5. *In areas designated for single family detached residential units, the minimum floor area per dwelling unit shall be 1,250 square feet.*
6. *In areas designated for single family attached residential units, the maximum building height, minimum front, side and rear yard setbacks and minimum floor area per dwelling unit shall conform to the requirements of the R-T zoning district.*

Motion by: Mueller
Seconded: McKenna
Ayes: Gabrielson, Mueller, McKenna, Rowe
Nays: Garfield, Krug, Mathis
Motion carried.

Public Comment:

Donald Deaver, Kingsway Builders

Mr. Deaver stated that it is the intent of Kingsway Builders to build upscale homes in this project. The 1,250 square foot minimum was discussed at the Planning Commission hearing in August and does not present any problems for the applicant.

The second reading of the revised ordinance will be conducted at the 11/19/01 meeting.

Rezoning #357, Robert Cairnduff, part of 06-21-100-008; AG to R-1A/2nd Reading

Supervisor Gabrielson reviewed the proposed rezoning, in which the applicant is requesting to rezone two small strips of property in order to split them off his father's property and add them to his existing R-1A parcel, in order to build an addition on his house. There was no further discussion.

Motion to adopt Ordinance No. 584, an amendment to Zoning Ordinance No. 186 to rezone a part of parcel 06-21-100-008 from AG to R-1A, as requested.

Motion by: McKenna
Seconded: Garfield
Ayes: Gabrielson, Mueller, Garfield, Krug, Mathis, McKenna, Rowe
Nays: None
Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS-OTHER:

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Workshop Meeting

After a brief discussion, the board agreed to schedule a workshop meeting for Monday November 12, 2001 at 7:00 p.m.

NEW BUSINESS:

Resolution No. 2001-46 / Byram Lake Drive Paving Special Assessment District

Office Manager Broecker reported that the residents of Byram Lake Drive have submitted petitions for a road improvement special assessment district for the purpose of paving their street. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2001-46

WHEREAS, the Fenton Township Board has accepted a petition from the record owners of properties located in Fenton Township which abut Byram Lake Drive to establish a special assessment district for the purpose of hard surfacing the aforementioned street, and

WHEREAS, it has been determined that the petition has been signed by the record property owners representing more than 50% of the road frontage in the proposed special assessment district, and

WHEREAS, preliminary plans and estimated costs for the foregoing road improvement have been placed on file in the office of the Township Clerk,

THEREFORE BE IT RESOLVED, that the Fenton Township Board does hereby tentatively declare its intent to hard surface that portion of Byram Lake Drive that lies within Fenton Township, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby tentatively establish the boundaries of the proposed special assessment district to include all properties located in Fenton Township which abut Byram Lake Drive, and

BE IT FINALLY RESOLVED, that the Fenton Township Board will hold a public hearing on the establishment of the proposed special assessment district at its regular meeting to be held on Monday November 19, 2001 at the Fenton Township Civic Community Center, beginning at 7:30 p.m.

Motion to adopt Resolution No. 2001-46 as presented.

Motion by: Mueller

Seconded: Garfield

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

Nays: None

Motion carried. Resolution declared adopted.

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Zoning Board of Appeals Appointments

Supervisor Gabrielson reported that the terms of ZBA members James Cady, Pete Matta and Les Scott would expire at the end of November. All three are doing an excellent job in their positions and all three have indicated a desire to be re-appointed.

Motion to re-appoint Leslie D. Scott to the Fenton Township Zoning Board of Appeals for the term ending November 30, 2004.

Motion by: Gabrielson

Seconded: Garfield

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

Nays: None

Motion carried.

Motion to re-appoint Peter R. Matta to the Fenton Township Zoning Board of Appeals for the term ending November 30, 2004.

Motion by: Gabrielson

Seconded: Mathis

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

Nays: None

Motion carried.

Motion to re-appoint James R. Cady to the Fenton Township Zoning Board of Appeals for the term ending November 30, 2004.

Motion by: Gabrielson

Seconded: Garfield

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

Nays: None

Motion carried.

Proposed Optical Scan Voting System – Genesee County

Office Manager Broecker reviewed a memo from the Genesee County Elections Division asking for support to solicit proposals to purchase optical scan voting equipment for all of Genesee County. If approved, the new equipment would cost Fenton Township approximately \$40,000-45,000 and could be financed over a 3-5 year period. While the county is only asking for support to obtain proposals, they have stated that support for punch card systems would be discontinued if a majority of Genesee County approves changing to the optical scan system.

Motion to support the request of the Genesee County Clerk's office to release a Request for Proposal to potential vendors for optical scan voting equipment.

Motion by: Mueller

Seconded: Garfield

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

Nays: None

Motion carried.

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PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Les Scott, 12499 Margaret Drive

Mr. Scott raised concerns regarding drainage problems on Margaret Drive. Stormwater from the Torrey Grove development results in mud running into Lake Fenton. Supervisor Gabrielson suggested contacting the Genesee County Drain Commissioner's office regarding the soil erosion problems and he will contact the developer to see if other measures can be implemented to retain more water on-site.

Mr. Scott also stated that drainage problems exist around the wetland on Swanee Beach Drive. Supervisor Gabrielson responded that the recent paving project also resulted in improvements to the drainage in that area. Any additional changes involving the wetland would have to be approved by the DEQ.

David Hawcroft, 3302 Ponemah Drive

Regarding the Margaret Drive erosion issue, Mr. Hawcroft asked if the developer could be denied any additional permits until the problem is corrected. Supervisor Gabrielson stated that the erosion problem is the responsibility of the Genesee County Drain Commissioner. Other than that, the developer has an approved site plan and the township has no grounds to deny permits.

Mr. Hawcroft asked if the proposed optical scan voting system would be an improvement over the old system. Clerk Mueller stated that the optical scan system will be faster and will reject ballots with overvotes or split tickets in primary elections.

ADJOURN: Meeting adjourned at 9:15 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 11/6/01