

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF FEBRUARY 17, 2003**

**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, Brancheau, Krug, McKenna, Office
Manager Broecker and Attorney Cooley

Absent: Mathis

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

PUBLIC HEARINGS:

Sewer Issues

Supervisor Gabrielson introduced Dr. Bahram “Bob” Zamani who also attended the 2/3/03 meeting. Dr. Zamani showed a videotape on surface water pollution and two tapes related to the recycling of biosolids. He emphasized that biosolid recycling, such as the land application program, is the best alternative for disposal of treatment plant waste.

The meeting was recessed at 8:40 p.m. and reconvened at 8:45 p.m.

Public Comment:

John Hugener, 6396 Acorn Way

Mr. Hugener asked if Genesee County sells the biosolids for land application or do we pay to have it hauled away. John O’Brien of Genesee County WWS confirmed that the County pays to have the sludge removed from the plant.

Genesee County Drain Commissioner Jeff Wright thanked the board for inviting him to tonight’s meeting. With regard to Dr. Zamani’s presentation, he emphasized that the District 3 treatment plant is in complete compliance with DEQ requirements for biosolid disposal. In a follow-up to discussions at previous meetings, Mr. Wright confirmed that the odor problems and other concerns at the treatment plant are being addressed. Trees are being planted along the roadside to provide an aesthetic buffer for the surrounding properties. A new roadway will be constructed to direct truck traffic to Silver Lake Road, thereby reducing the dust problems on Hogan Road. Bids are being accepted for a new dome cover and chemical treatment to reduce the odor problem. He emphasized that that the odor cannot be 100% eliminated but these measures will result in a significant reduction. These improvements will be funded from existing reserves and will not result in a rate increase.

Clerk Mueller asked Mr. Wright about the suggestion that the treatment process be upgraded to produce a “Class A” biosolid (i.e. commercial fertilizer). Mr. Wright stated that the District 3 plant produces approximately 400 tons of biosolid annually. To upgrade the process to “Class A” would cost approximately \$5 million in capital improvements and \$250,000 in annual expense for operation and maintenance. This would mean a \$3-5 per month per unit rate increase. Additionally, if the fertilizer plant

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were to be located at the treatment plant, approximately 10-15 acres of additional land would be needed. Upgrading the treatment process in this manner will not reduce the odor and would increase vehicular traffic around the plant.

Trustee Krug asked if the proposed addition of Tyrone Township to District 3 would have any impact on the odor. Mr. Wright responded that, with or without the addition of Tyrone Township, the odor will decrease due to the control measures discussed earlier. Trustee Krug also asked who will be responsible for the new sewer lines if Tyrone Township becomes a part of District 3. Mr. Wright stated that the portion of the interceptor that lies in Livingston County would be the responsibility of the Livingston County Drain Commissioner. The portion of the interceptor in Genesee County would be the responsibility of the Genesee County Drain Commissioner. Mr. Wright added that, as far back as 1970, a portion of Livingston County was projected to be part of a regional sewer district with Genesee County.

Mr. Wright also announced that the District 3 plant would be holding an open house sometime in April. He encouraged the board members and residents to visit the plant to better understand the treatment process.

APPROVAL OF AGENDA:

Motion to approve the 2/17/03 Fenton Township Board Meeting agenda as presented.

Motion by: Mueller
Seconded: Krug
Ayes: All Present
Nays: None
Absent: Mathis

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 2/3/03 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: McKenna
Seconded: Brancheau
Ayes: Gabrielson, Mueller, Garfield, Brancheau, Krug, McKenna
Nays: None
Absent: Mathis

Motion carried.

REPORTS:

Purchase of 800MHz Radio Equipment

Supervisor Gabrielson reviewed information regarding the purchase of new 800 MHz radio equipment. The 9-1-1 Consortium will be paying 60% of the total cost and the local communities will be responsible for 40%. Fenton Township's cost will be approximately \$59,000.00. The Township has the option of paying the cost in 2004 or financing the cost

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over several years. After a brief discussion the board agreed that the equipment should be purchased up front to avoid the interest cost associated with financing.

Public Safety Committee

Treasurer Garfield reported that the Fire Department's plan to install dry hydrants is progressing, but slowly. If any lakefront property owners are willing to grant an easement for the installation of a dry hydrant, please contact the Fire Chief. She also announced that the Fire Department is still seeking additional personnel for the department. Interested individuals should also contact the Fire Chief.

COMMUNICATIONS:

Meeting with Representative Dave Robertson

Office Manager reported that Representative Dave Robertson would be here for an informal meeting with Township officials this Friday 2/21/03 from 2:30 p.m. until 4:00 p.m. All board members are invited.

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Rezoning #R02-004, J. M. Developments Inc., 06-10-300-012; AG to R-3/1st Reading

Supervisor Gabrielson reviewed the proposed rezoning ordinance. Trustee McKenna noted that this property has been proposed for various uses over the past few years. The Land Use Plan designation is low-density residential without sewer and medium-density with sewer. Since sewer will now be available to the property, the request for R-3 zoning is in compliance with the Land Use Plan. It was also noted that the preliminary site plan provided by the applicants includes 98 units, or 1.3 units per acre.

Trustee Krug expressed concern regarding the continued loss of agricultural property in the Township. He believes the board should try to limit development. Supervisor Gabrielson pointed out that the Land Use Plan designation for the property is residential. The only way to limit development is through the purchase of development rights, which would require a vote of the people to approve such an expenditure. Clerk Mueller stated that, although there is still a large amount of land zoned agricultural in Fenton Township, we are no longer a farming community. Landowners have a right to sell or develop their property. We have to rely on our Land Use Plan and Zoning Ordinance to provide the necessary controls for development.

Public Comment:

Kirsten Hawes, 4282 Owen Road

Ms. Hawes questioned the permitted density of the proposed rezoning to R-3. Trustee McKenna responded that R-3 is the same as the "R-1A" zoning district in the previous Zoning Ordinance. R-3 allows 1 unit per acre with no open space and up to 1.5 units per acre with 50% open space.

Michele Spear, 3194 Ponemah Drive

Ms. Spear asked why the Zoning Ordinance still includes the agricultural zoning district if so little farming is done in Fenton Township. Supervisor Gabrielson responded that the

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initial draft of the new Zoning Ordinance did not include an agricultural zoning district. Public input and concerns raised by the Planning Commission, however, resulted in its reinstatement.

Les Butler, 6388 Oak Leaf Trail

Mr. Butler expressed concern regarding the level of development in Fenton Township. What controls are in place? Clerk Mueller explained that development is guided by the Land Use Plan and controlled by the Zoning Ordinance. Density requirements in Fenton Township are actually stricter than most.

Jean Johnson, 12101 Jennings Road

Ms. Johnson asked how the 1.5 units per acre applies to R-3 zoning. Supervisor Gabrielson explained that R-3 zoning allows only 1 unit per acre if no open space is designated. If the developer sets aside a portion of the property as dedicated undeveloped open space, a density bonus is applied. 50% open space equals a 50% density bonus, or 1.5 units per acre. This concept is also referred to as “cluster housing”.

The second reading of the proposed rezoning ordinance will be conducted at the 3/3/03 meeting.

UNFINISHED BUSINESS-OTHER:

None

NEW BUSINESS:

Re-appointments to Fenton Township Board of Review

Supervisor Gabrielson reported that two members of the Fenton Township Board of Review need to be re-appointed a second time due to a legal technicality. At the 12/16/02 Township Board meeting, Jim Hall, Joe Jenio and Bev McKenna were re-appointed to the Fenton Township Board of Review. Because of the holidays and other scheduling issues, only Bev McKenna was able to take the oath of office within the 10 days required by law. Therefore Supervisor Gabrielson recommended that Mr. Hall and Mr. Jenio again be re-appointed to avoid any potential legal problems.

Motion to re-appoint H. James Hall and Joseph Jenio to the Fenton Township Board of Review for the term ending December 31, 2004.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Garfield, Brancheau, Krug, McKenna

Nays: None

Absent: Mathis

Motion carried. Resolution declared adopted.

Revised Interlocal Loan Agreement – Village of Otisville

As discussed at the 1/20/03 meeting, Genesee County Community Development will not approve the \$65,000 interlocal loan agreement between Fenton Township and the Village of Otisville. The repayment schedule for that loan goes beyond the expiration of the

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current cooperative agreement with Genesee County for administration of CDBG funds. A revised interlocal loan agreement has been drafted for consideration. The loan amount has been revised to \$18,723.00, with repayment in 2006. All other terms remain the same.

Motion to approve the Interlocal Loan Agreement between the Charter Township of Fenton and the Village of Otisville, in the amount of \$18,723.00, as presented.

Motion by: Mueller

Seconded: Brancheau

Ayes: Gabrielson, Mueller, Garfield, Brancheau, Krug, McKenna

Nays: None

Absent: Mathis

Motion carried.

Resolution No. 2003-02, Household Hazardous Waste Program

Supervisor Gabrielson reviewed information from the Genesee County Area Recycling Coalition regarding the Household Hazardous Waste Collection Program. Their collection efforts over the past several years have been very successful, giving residents the opportunity to properly dispose such items as car batteries, used motor oil, pesticides and other hazardous materials. They are once again requesting that Fenton Township allocate \$1,500.00 toward their 2003 program. The board agreed that this program has been very effective and should be continued. Trustee Brancheau recommended that the \$1,500.00 be funded from the Solid Waste Management Account, rather than the General Fund.

Motion to amend Resolution No. 2003-02 to allocate \$1,500.00 from the Fenton Township Solid Waste Management Fund for the 2003 Household Hazardous Waste Collection Program.

Motion by: Brancheau

Seconded: Mueller

Ayes: Gabrielson, Mueller, Garfield, Brancheau, Krug, McKenna

Nays: None

Absent: Mathis

Motion carried.

Clerk Mueller presented the following revised resolution:

RESOLUTION NO. 2003-02

WHEREAS, the Township Board of the Charter Township of Fenton fully supports the efforts of the Genesee County Area Recycling Coalition to provide environmentally safe methods for disposal of hazardous household waste, and

WHEREAS, the Charter Township of Fenton pledged \$1,500 from its General Fund each year for the years 1996 through 2002 toward the cost of a Household Hazardous Waste Collection Program, and

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WHEREAS, the Charter Township of Fenton Board of Trustees believes the continued support of this program to be in the best interests of the community;

THEREFORE BE IT RESOLVED, that the Charter Township of Fenton hereby pledges \$1,500 from its Solid Waste Management Fund towards the cost of the Genesee County Area Recycling Coalition's Household Hazardous Waste Collection Program in 2003.

Motion to adopt resolution No. 2003-02 as presented:

Motion by: Mueller

Seconded: Brancheau

Ayes: Gabrielson, Mueller, Garfield, Brancheau, Krug, McKenna

Nays: None

Absent: Mathis

Motion carried. Resolution declared adopted.

Resolution No. 2003-03, Street Banner/Fenton Area Chamber of Commerce

Supervisor Gabrielson reported that the Fenton Area Chamber of Commerce has prepared an application to the Genesee County Road Commission to place a banner over Torrey Road (near Lake Fenton High School) to advertise their upcoming Community Expo. The banner, if approved would be in place from 2/18/03 to 3/4/03. The Genesee County Road Commission requires a resolution of approval from the Township before they will issue the permit. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2003-03

WHEREAS, the Fenton Area Chamber of Commerce wishes to make application to the Genesee County Board of Road Commissioners for a permit to temporarily place a banner within a road rights-of-way for the purposes of advertising their Community Expo, and

WHEREAS, approval of the local unit of government, by resolution, is required to obtain said permit;

NOW, THEREFORE, BE IT RESOLVED, that the Fenton Area Chamber of Commerce is hereby authorized to make application to the Genesee County Road Commission for the necessary permit(s) to:

Place a temporary banner for the purpose of advertising the Fenton Area Chamber of Commerce Community Expo between the dates of 2/18/03 and 3/4/03

within the right-of-way of Torrey Road, as requested.

Motion to adopt Resolution No. 2003-03 as presented.

Motion by: Mueller

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Seconded: Garfield
Ayes: Gabrielson, Mueller, Garfield, Brancheau, Krug, McKenna
Nays: None
Absent: Mathis

Motion carried. Resolution declared adopted.

Proposed Expansion of Sewage Treatment Plant

The Township Board discussed this sewer plant expansion issue. The Township needs to commit to a number of units very soon so the expansion project can be designed by Genesee County. As previously noted, the recently completed Sewer Impact Study recommends 9,000 additional units to serve the future needs of the Township. The anticipated cost for the additional capacity is approximately \$1,500 per unit, which is significantly less than the \$4,500 per unit paid for the last expansion. Treasurer Garfield stated that 9,000 is more than the Township should commit to at this time. She favors committing to 6,000 units. Clerk Mueller agreed, adding that future boards could determine if more units are needed. Trustee McKenna stated that he prefers an even lower number, indicating that he would like to commit to 3,000 units at this time. Trustee Brancheau stated that the uncertainty of the cost of expansion in the future strengthens the argument for more units now. Treasurer Garfield made a motion, which was seconded by Clerk Mueller, to authorize a 6,000-unit expansion of the District 3 treatment plant for Fenton Township. After further discussion, the board agreed to study the issue further before making a final decision. The motion and second were withdrawn.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Kirsten Hawes, 4282 Owen Road

Ms. Hawes asked if the height of the bridge to the Isle of Bordeaux has been verified. Supervisor Gabrielson responded that the issue was being looked at by the Township Engineer.

Ms. Hawes also raised concerns regarding the increased use of “bubblers” to keep dock areas from freezing in the winter. The use of bubblers not only represents a safety hazard for people wanting to use the frozen lakes for skating or fishing, it also raises serious environmental concerns caused by the lakes not freezing. She asked the board to consider enacting an anti-bubbler ordinance.

There was discussion regarding permanent vs. seasonal docks and Supervisor Gabrielson stated that the Township would pursue the issue through the DNR.

Nancy Croasdell, In-Between Campground and Marina

Ms. Croasdell uses bubblers at her marina and has done so for the past five years. Her discussions with the DNR indicate that they have no jurisdiction over bubblers. She is opposed to any ordinance restricting their use.

John Cooper, 3266 Ponemah Drive

Mr. Cooper stated that legal action against the owner of the bubblers is another alternative for residents if an ordinance is not possible.

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Hannah DeLisle, 3188 Ponemah Drive

Ms. DeLisle stated that the problem has gotten worse as more and more people install the bubblers.

Guy Dzido, 14142 Eastview Drive

Mr. Dzido asked about the activity along North Road across from the Chrysler dealership. Supervisor Gabrielson acknowledged that the Township had received many telephone calls regarding this property. The area being cleared is not a regulated wetland and the property owner may still need a DEQ permit to complete his plan. The Township is monitoring the situation.

ADJOURN: Meeting adjourned at 11:05 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 2/18/03