

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 20, 2003**

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

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

Present: Mathis, Garfield, McDermott, Stiverson, Office Manager Broecker and
Attorney Cooley

Absent: Krug

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 10/20/03 Fenton Township Board Meeting agenda as presented.

Motion by: Garfield

Seconded: Stiverson

Ayes: All

Nays: None

Absent: Krug

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 10/6/03 regular meeting and the 10/16/03 special meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: Stiverson

Seconded: Garfield

Ayes: Mathis, Garfield, McDermott, Stiverson

Nays: None

Absent: Krug

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

None

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 20, 2003**

Amendment to Zoning Ordinance – PUD/1st Reading

Supervisor Mathis introduced a proposed amendment to the PUD section of the Zoning Ordinance. Trustee McDermott explained that the amendatory ordinance would affect any commercial property with a valid marina permit that wishes to rezone to a residential use. The ordinance, if adopted, would require any such property to remove 50% of the number of boat slips. A “bonus” of up to 5 additional slips may be added back at the discretion of the Planning Commission if a boat fueling operation is also removed.

Public Comment:

Thomas Lambert, 12476 Gage Road

Mr. Lambert asked if the proposed ordinance would affect the Moose Lodge. It was clarified that the ordinance would only affect applications to rezone commercial property to residential.

Ruth Sadler

Ms. Sadler stated that she has heard rumors that the Lake Fenton Marina will be developed into condominiums. Would this ordinance affect that property? Supervisor Mathis stated that the ordinance would affect any commercial-to-residential rezoning application. Additionally, Lake Fenton Marina owner Pete Matta stated that there are no plans to change the marina into a residential development.

Bill Ochodnicki, 14107 Landings Way

Mr. Ochodnicki asked if one boat slip also means one boat. That issue will be researched.

Dick Shelp, 5127 Harp Drive

Mr. Shelp stated that he is concerned with the potential for keyholing under the proposed ordinance.

There was no further discussion. The second reading of the proposed ordinance will be conducted at the 11/3/03 meeting.

Rezoning #R03-005, Premier Properties, 06-11-527-013, 06-11-527-014, 06-11-527-015, 06-11-527-019, 06-11-527-022 and part of 06-11-527-011; C-1, R-4 & R-5 to PUD/1st Reading

Supervisor Mathis introduced the proposed rezoning ordinance. Dan Park of Park-McPherson Design, representing the applicant, presented an overview of the proposed project. The conceptual plan calls for the elimination of two small houses, dilapidated rental cabins, as well as the existing bait shop and boat launch. The development would consist of 15 attached condo units and a 17 private boat slips. It is also the intent of the developer to improve drainage problems that currently exist on and near the property. Mr. Park also indicated that the proposed project is supported by the Lake Fenton Property Owners Association and the Fenton Harbor Condominium residents.

Public Comment:

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 20, 2003**

Howard Fredenburg, 4162 Thompson Road

Mr. Fredenburg stated that the southern portion of the subject property was once a swamp and has been filled in over the years. This may affect the developer's ability to build in that area. Mr. Park responded that this issue was raised at the Planning Commission hearing and they will investigate further before finalizing their plans.

Ray Kalanquin, 14159 Swanee Beach Drive

Mr. Kalanquin asked how large the individual units would be. Mr. Park responded that each condominium unit would be approximately 2,000 square feet in size.

Tom Richard, 12425 Jennings Road

Mr. Richard asked how the density would be determined in the proposed PUD development. Trustee McDermott responded that the conditions in the rezoning ordinance would determine the permitted density. Mr. Richard also asked how close the buildings would be to each other. Mr. Park stated that the minimum distance would be ten feet.

Dan Zawlocki, 4520 Eleanor Drive

Mr. Zawlocki asked who would police the number of boats allowed in the private docking area. Mr. Park responded that controls would be placed in the deed restrictions and enforced by the condominium association.

Lee Martorana, 4180 Four Lakes Avenue

Ms. Martorana asked if the driveways would be paved or gravel. Mr. Park responded that, although Brown Street would remain a gravel road, all driveways would be paved.

Dick Farone, 12085 Mantawauka Drive

Mr. Farone stated that he spoke to many residents of the Fenton Harbor Condominium development and everyone he contacted was in favor of the proposed project. He feels that the re-development of this area will resolve many issues.

There was no further discussion. The second reading of the proposed rezoning ordinance will be conducted at the 11/3/03 meeting.

Amendment to Zoning Ordinance – Riparian Issues/1st Reading

Trustee McDermott reviewed the proposed amendatory ordinance, which amends the Zoning Ordinance definition for "Lot", adds a definition for "Riparian Lot", and amends the general provisions relating to waterfront property. Specifically, all future land divisions on waterfront property would be required to maintain a minimum of 100 feet of water frontage per parcel. The ordinance also expands the existing language regarding riparian rights and uses.

Public Comment:

Ray Kalanquin, 14159 Swanee Beach

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 20, 2003**

Mr. Kalanquin asked if this ordinance would affect existing lots that may have less than 100 feet of lake frontage. It was clarified that this ordinance would only affect any land divisions after the effective date of the ordinance.

Les Scott, 12499 Margaret Drive

Mr. Scott asked if a current parcel with 160 feet of lake frontage, consisting of four 40-foot platted lots, could be divided under the provisions of the proposed ordinance. Trustee McDermott stated that any divisions would be required to meet the 100-foot minimum.

Bill Ochodnicki, 14107 Landings Way

Mr. Ochodnicki asked how this ordinance, if approved, might affect the proposed Ponemah Woods development. Trustee McDermott stated that the proposed development has approximately 4,100 feet of lake frontage, which would equate to 41 boat slips.

The board and members of the audience also discussed the issue of boat slips vs. number of watercraft and general vs. limited common elements in condominiums.

There was no further discussion. The second reading of the proposed ordinance will be conducted at the 11/3/03 meeting.

UNFINISHED BUSINESS-OTHER:

Resolution No. 2003-27, General Appropriations Act/2004 Budget

Office Manager Broecker reviewed the proposed 2004 budget. A public hearing was held for this budget at the 9/15/03 meeting. It was noted that the Township Board might want to amend the budget before the start of 2004. Michigan law, however, requires that a budget be adopted 60 days before the end of the fiscal year. The following resolution was presented for consideration:

**RESOLUTION NO. 2003-27
GENERAL APPROPRIATIONS ACT**

A resolution to establish a general appropriations act for the Charter Township of Fenton; to define the powers and duties of the Fenton Township officers in relation to the administration of the budget; and to provide remedies for refusal or neglect to comply with the requirements of this resolution.

The Board of Trustees of the Charter Township of Fenton resolves:

Section 1: Title

This resolution shall be known as the Fenton Township General Appropriations Act.

Section 2: Chief Administrative Officer

The Supervisor shall be the Chief Administrative Officer and shall perform the duties of the Chief Administrative Officer enumerated in this act.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 20, 2003**

Section 3: Fiscal Officer

The Clerk shall be the Fiscal Officer and shall perform the duties of the Fiscal Officer enumerated in this act.

Section 4: Public Hearings on the Budget

Pursuant to MCLA 42.26, notice of a public hearing on the proposed budget was published in a newspaper of local circulation on September 7, 2003, and a public hearing on the proposed budget was held on September 15, 2003.

Section 5: Estimated Revenues

Estimated township General Fund revenues for fiscal year 2004, including an operating millage of .7523 mills, and various miscellaneous revenues shall total \$2,138,650.

Estimated township Fire Fund revenues for fiscal year 2004 shall total \$647,000.

Estimated township Sewer Fund revenues for fiscal year 2004, including a debt retirement millage of 0.5233 mills, and various miscellaneous revenues shall total \$3,848,000.

Estimated township Mosquito Control Fund revenues for fiscal year 2004 shall total \$141,000.

Estimated township Solid Waste Management Fund revenues for fiscal year 2004 shall total \$545,000.

Section 6: Millage Levy

The Fenton Township Board shall cause to be levied and collected the general property tax on all real and personal property within the township upon the current tax roll an amount equal to .7523 mills for general township operations and 0.5233 mills for sewer debt retirement.

Section 7: Estimated Expenditures

Estimated township General Fund expenditures for fiscal year 2004 for the various township cost centers are as follows:

101-Township Board	\$	92,000
171-Supervisor		62,500
191-Elections		12,600
209-Assessor		140,850
215-Clerk & General Administration		473,100
247-Board of Review		2,300
253-Treasurer		28,000
265-Building & Grounds		331,100
276-Cemeteries		7,500

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 20, 2003**

301-Law Enforcement	427,000
336-Fire Department	125,000
371-Inspection/Ordinance Enforcement	103,800
401-Planning & Zoning	85,400
445-Drains At Large	20,000
446-Highways, Roads & Bridges	197,600
805-Auditorium - Civic Center	12,200
815-Zoning Board of Appeals	9,700
865-Insurance	<u>183,200</u>
TOTAL	\$ 2,313,850

Estimated township Fire Fund expenditures for fiscal year 2004 for the various township cost centers are as follows:

265-Building & Grounds	\$ 56,800
336-Fire Dept. Operations	450,900
865-Insurance	<u>45,600</u>
TOTAL	\$ 553,300

Estimated township Sewer Fund expenditures for fiscal year 2004 for the various township cost centers are as follows:

000-County Services/Debt	\$ 1,809,700
536-Sewer Operations	1,643,000
865-Insurance	<u>71,000</u>
TOTAL	\$ 3,523,700

Estimated township Mosquito Control Fund expenditures for fiscal year 2004 shall total \$122,000.

Estimated township Solid Waste Management Fund expenditures for fiscal year 2004 shall total \$560,000.

Section 8: Adoption of Budget by Reference

The General Fund, Sewer Fund, Fire Fund, Mosquito Control Fund and Solid Waste Management Fund budgets of the Charter Township of Fenton are hereby adopted by reference, with revenues and activity expenditures as indicated in Sections 5 and 7 of this act.

Section 9: Adoption of Budget by Cost Center

The Board of Trustees of the Charter Township of Fenton adopts the 2004 fiscal year General Fund, Fire Fund and Sewer Fund budgets by cost center. Township officials responsible for the expenditures authorized in the budget are authorized to expend township funds up to, but not to exceed, the total appropriation authorized for each cost center, and to make transfers among the various line items contained in the cost center appropriation.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 20, 2003**

Section 10: Appropriation not a Mandate to Spend

Appropriations shall be deemed maximum authorizations to incur expenditures. The fiscal officer shall exercise supervision and control to ensure that expenditures are within appropriations, and shall not issue any township order for expenditures that exceed appropriations.

Section 11: Transfer Authority

The Chief Administrative Officer shall have the authority to make transfers among the various cost centers without prior board approval, if the amount to be transferred does not exceed \$5,000 or 10% of the appropriation item from which the transfer is to be made, whichever is less. The Board shall be notified at its next meeting of any such transfer made, and reserves the right to modify, amend or nullify any such transfers made. Under no circumstances may the total General Fund budget be changed without prior board approval.

Section 12: Periodic Fiscal Reports

The fiscal officer shall transmit to the board within 30 days of the end of each quarter, a report of financial operations, including, but not limited to:

- a. a summary statement showing the receipts and expenditures and encumbrances for the previous month, and for the current fiscal year to the end of the previous month.
- b. a detailed list of:
 - i. expected revenues by major source as estimated in the budget; actual receipts to date for the current fiscal year; and the balance of estimated revenues to be collected in the then current fiscal year.
 - ii. for each cost center: the amount appropriated; the amount charged to each appropriation in the previous quarter month for the current fiscal year; and the unencumbered balance of appropriations;

Section 13: Limit on Obligations and Payments

No obligation shall be incurred against, and no payment shall be made from any appropriation account unless there is sufficient unencumbered balance in the appropriation and sufficient funds are or will be available to meet the obligation.

Section 14: Budget Monitoring

Whenever it appears to the Chief Administrative Officer or Township Board that the actual and probable revenues in any fund will be less than the estimated revenues upon which appropriations from such fund were based, and when it appears that the expenditures shall exceed an appropriation, the Chief Administrative Officer shall present to the township board recommendations to prevent expenditures from exceeding available revenues or appropriations for the current fiscal year. Such recommendations shall include proposals for reducing appropriations, increasing revenues, or both.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 20, 2003**

Section 15: Violations of This Act

Any obligation incurred or payment authorized in violation of this resolution shall be void and shall subject any responsible official(s) or employee(s) to disciplinary action as outlined in P.A. 621 (1978).

Section 16: Board Adoption

Motion to adopt Resolution No. 2003-27 as presented.

Motion by: Stiverson

Seconded: Garfield

Ayes: Mathis, Garfield, McDermott, Stiverson

Nays: None

Absent: Krug

Motion carried. Resolution declared adopted.

NEW BUSINESS:

None

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Paul Van Norman, 5150 Coachlight Drive

Since the Township has not yet acquired a sanitary sewer easement from the Coachlight Pines Association, Mr. Van Norman asked what steps would be taken to allow him to move into his home when it is completed. Attorney Cooley responded that the Township will make arrangements to have a temporary tank installed at Mr. Van Norman's home and will also have it pumped out on a regular basis until the sewer can be connected. Mr. Cooley went on to say that the Township must make a formal offer to the Coachlight Pines Association before beginning legal proceedings. Negotiations are continuing in the hopes of avoiding legal action. Mr. Van Norman asked the board to set a deadline for filing the necessary legal action. Supervisor Mathis stated that she prefers to fill the two vacant board seats and bring everyone up to date on the issue before taking any further action.

Regarding the upcoming appointments to the Fenton Township board, the following individuals stated that they are in favor of having the two candidates with the next highest vote totals from the special election appointed to the board:

David Franz, 3435 Breezepointe

Sonya Brown, 12159 Jennings Road

Dick Shelp, 5127 Harp Drive

Lorraine Zimmer, 6391 Acorn Way

Ray Kalanquin, 14159 Swanee Beach

Lee Martorana, 4180 Four Lakes Avenue

David Boyd, 3515 Lahring Road

Ruth Sadler

Howard Fredenburg, 4162 Thompson Road

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 20, 2003**

Additionally, Mr. Franz, Mr. Kalanquin, Mr. Fredenburg and Cheryl O'Neill, all candidates in the special election, asked that their names be withdrawn from consideration for the appointment.

Patrick Carmody, 16245 Silver Shore Drive

Mr. Carmody thanked the previous speakers for their support. He also encouraged the board to "vote your conscience" when making the appointments.

Les Scott, 12499 Margaret Drive

Mr. Scott reminded the board that there are many qualified individuals to consider for the appointment and that their decision should be based on what's best for the entire Township.

Supervisor Mathis stated that a candidate forum would be held on Wednesday 10/22/03 at 7:00 p.m.

ADJOURN: Meeting adjourned at 9:30 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 10/22/03