

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF NOVEMBER 3, 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, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson,
Office Manager Broecker and Attorney Cooley

Absent: None

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 11/3/03 Fenton Township Board Meeting agenda as presented.

Motion by: Mathis

Seconded: McDermott

Ayes: All

Nays: None

Motion carried. The agenda is approved.

Supervisor Mathis introduced Trustees Patrick Carmody and Cal Gatesman, the newest members of the Township Board. She suggested that each of them be allowed to abstain from voting on agenda items for which they feel they are not prepared to vote on.

Motion to allow Trustee Carmody and Trustee Gatesman to abstain from voting on any or all agenda items for the 11/3/03 meeting.

Motion by: Mathis

Seconded: Stiverson

Ayes: All

Nays: None

Motion carried.

MEETING MINUTES:

The minutes of the 10/20/03 regular meeting and the 10/22/03 special meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: Stiverson

Seconded: Garfield

Ayes: Mathis, Krug, Garfield, McDermott, Stiverson

Nays: None

Abstaining: Carmody, Gatesman

Motion carried.

PUBLIC HEARINGS:

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None

REPORTS:

MTA Trustees Conference

Trustee Stiverson reported that he and Trustee McDermott attended a 2-day Trustees conference conducted by the Michigan Townships Association. Both found the sessions to be very informational and encouraged the other board members to take advantage of educational opportunities offered by the MTA.

COMMUNICATIONS:

Genesee County – America Recycles Day

Clerk Krug reviewed information from Genesee County regarding the collection of used cell phones, pagers and electronic organizers. Fenton Township is one of many collection points throughout the county for these items, which will be refurbished for use at battered women's shelters and/or recycled. The collection period runs from November 3-6, 2003.

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Amendment to Zoning Ordinance – PUD/2nd Reading

Supervisor Mathis presented the proposed amendment to the PUD section of the Zoning Ordinance that was introduced at the 10/20/03 meeting. Trustee McDermott briefly reviewed the amendatory ordinance, which 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 and/or blighted conditions are also removed. There was no further discussion.

Motion to adopt Ordinance No. 609, an amendment to Section 3.21 of Zoning Ordinance No. 594, as presented.

Motion by: Mathis

Seconded: Garfield

Ayes: Mathis, Krug, Garfield, McDermott, Stiverson

Nays: None

Abstaining: Carmody, Gatesman

Motion carried. Ordinance declared adopted.

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/2nd Reading

Supervisor Mathis presented the proposed rezoning ordinance that was introduced at the 10/20/03 meeting. Trustee McDermott briefly reviewed the proposed rezoning ordinance and the accompanying conceptual plan, which includes 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. There was no further discussion.

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Motion to adopt Ordinance No. 610, an amendment to Zoning Ordinance No. 594 to rezone parcels 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; from C-1, R-4 & R-5 to PUD, as presented.

Motion by: Stiverson

Seconded: Garfield

Ayes: Mathis, Krug, Garfield, Gatesman, McDermott, Stiverson

Nays: None

Abstaining: Carmody

Motion carried. Ordinance declared adopted.

Amendment to Zoning Ordinance – Riparian Issues/2nd Reading

Supervisor Mathis presented the proposed amendment to the Definitions and General Provisions sections of the Zoning Ordinance that was introduced at the 10/20/03 meeting. Trustee McDermott briefly reviewed the 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. There was no further discussion.

Motion to adopt Ordinance No. 611, an amendment to Section 2.01 and Section 4.01 of Zoning Ordinance No. 594, as presented.

Motion by: Garfield

Seconded: Krug

Ayes: Mathis, Krug, Garfield, Gatesman, McDermott, Stiverson

Nays: None

Abstaining: Carmody

Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS-OTHER:

Sanitary Sewer Easement – Lobdell Road / Coachlight Pines

Attorney Cooley reviewed a letter from the attorney representing the Coachlight Pines Association regarding the granting of a requested sanitary sewer easement. The association has requested that the Township compensate them in the amount of \$17,200.00 for granting the easement. It appears that this figure is partially based on the sewer connection revenue that would be generated from the four properties that would eventually be connected to the new sewer line. Attorney Cooley stated that this figure may be based on an erroneous assumption that the connections fees generated from the new sewer line will far exceed the cost of constructing the line. Office Manager Broecker confirmed that the estimated cost for the sewer line is \$15-20,000. The connection fees may or may not completely cover this cost.

Allen Murray, President of the Coachlight Pines Association, addressed the board on this issue. The association believes that the Township is partially responsible for the placement of the gated entrance and related structures on private property. Their cost to dismantle and rebuild the structures, plus legal cost, is estimated to be \$30-35,000. They

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are asking the Township to pay approximately one-half of this cost. The association would then attempt to recover the remaining cost from the original developers.

Trustee McDermott expressed concern that the issue of the location of the gated entrance is being confused with the sewer easement issue. The two are separate matters. The board discussed several issues related to the cost of litigation, liability, etc. and agreed to form a subcommittee to negotiate with the Coachlight Pines Association and work toward a resolution of this issue.

Public Comment:

David Franz, 3435 Breezepointe

Mr. Franz stated that it appears that the Township shares in any liability arising from this situation. That liability issue needs to be addressed.

Paul Van Norman, 5150 Coachlight Drive

Mr. Van Norman stated that he is opposed to the Township bearing a large financial burden to resolve this issue. He also stated that the recent removal of some of the entrance structures from his property constitutes trespassing. He stated that any additional work to be done on his property must be approved by him.

Ray Kalanquin, 14159 Swanee Beach

Mr. Kalanquin supports the concept of using committees to try to resolve the issue. He expressed concern, however, that any agreement negotiated by the committees would still be subject to final approval by the Township Board and the association membership.

Les Scott, 12499 Margaret Drive

Mr. Scott noted that any wall or fence constructed is subject to the issuance of the appropriate permit.

Daniel Zawlocki, 4520 Eleanor Drive

Mr. Zawlocki believes that the Coachlight Pines Association should be reimbursed for the full \$17,200.00 they are requesting. He also believes that Mr. Van Norman rights should be respected. The Township should find out what mistakes were made and report back to the board.

NEW BUSINESS:

METRO Act Telecommunications Permit – Verizon North Systems

Office Manager Broecker briefly reviewed an application for a Telecommunications Permit from Verizon. This permit application is for existing facilities and is being submitted in compliance with the Michigan Metropolitan Extension Telecommunications Right-of-Way Oversight Act (METRO Act). Since a similar application was received from SBC after this meeting agenda was finalized, it was suggested that Attorney Cooley review both applications before taking action. Both applications will be placed on the agenda for the 11/17/03 meeting.

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Resolution No. 2003-28, Reduced Speed Limit for Thompson Road

Treasurer Garfield stated that she would like to take the necessary steps to have the speed limit on Thompson Road reduced to 45 mph between Torrey and Fenton Roads. After additional discussion and public input, the board agreed to expand the request to include all of Thompson Road from Linden Road to Fenton Road. Clerk Krug presented the following resolution:

RESOLUTION NO. 2003-28

WHEREAS, the traffic congestion has increased in recent years on Thompson Road within the Charter Township of Fenton, and

WHEREAS, the Fenton Township Board believes that serious safety concerns exist due to the number of residents, workers and students that travel this road on a regular basis, and

WHEREAS, the Fenton Township Board believes that a reduction of the speed limit for this road from 55 miles per hour to 45 miles per hours would be in the best interest of the health, safety and welfare of the entire Township;

THEREFORE BE IT RESOLVED, that the Charter Township of Fenton Board of Trustees hereby respectfully requests that the Genesee County Road Commission conduct the necessary speed and traffic studies for Thompson Road between Linden Road and Fenton Road to determine if a speed limit reduction is warranted.

Motion to adopt Resolution No. 2003-28 as presented.

Motion by: Krug

Seconded: Garfield

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried. Resolution declared adopted.

Resolution No. 2003-29, Fenton Orchards Phase II Streetlighting Special Assessment

Office Manager Broecker reported that the developer of the Fenton Orchards development had petitioned for a streetlighting special assessment district for Phase II of the project. Clerk Krug presented the following resolution:

RESOLUTION NO. 2003-29

WHEREAS, the Fenton Township Board has accepted a petition from the record owners of properties within Phase II of the Fenton Orchards condominium development to establish a special assessment district for street lighting within the development, and

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WHEREAS, it has been determined that the petition has been signed by the record property owners representing over 50% of the land area in the proposed special assessment district, and

WHEREAS, plans and estimated costs for the foregoing street lighting 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 have street lights installed in Phase II of the Fenton Orchards condominium development, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby tentatively establish the boundaries of the proposed special assessment district to include Units 43-67 of the Fenton Orchards Home Site Condominium development and Units 53-66 of the Fenton Orchards Attached Unit Condominium development, and

BE IT FURTHER 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 17, 2003 at the Fenton Township Civic Community Center, beginning at 7:30 p.m.

Motion to adopt Resolution No. 2003-29 as presented.

Motion by: Krug

Seconded: Stiverson

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried. Resolution declared adopted.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

David Franz, 3435 Breezepointe

Mr. Franz reported that, while reviewing a list of abandoned property from the State of Michigan, the Fenton Township Fire Department appeared on the list. It was suggested that this may be a lost rebate check or connected to the Firefighter's Association. Treasurer Garfield will research this item and report back to the board.

Bill Ochodnicki, 14107 Landings Way

Mr. Ochodnicki reported that the developer of the Ponemah Woods project had applied to the DEQ for a permit to, among other things, construct a 153-slip boat marina at the sight. He encouraged the board to request that the DEQ conduct a public hearing on this application.

Guy Dzido, 14142 Eastview Drive

Mr. Dzido, representing the Lake Ponemah Association, also asked the board to request a public hearing on the Lewenz Development DEQ application.

Paul Dorland, 4448 Eleanor Drive

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Mr. Dorland asked if it is legal to burn leaves in Fenton Township. Office Manager Broecker responded that current Michigan law prohibits the burning of leaves or grass clippings in Fenton Township. Mr. Dorland also reported that some properties in the Pavilion on Pine Lake development have deed provisions that give lake access to non-lakefront properties. Supervisor Mathis will investigate.

Tom Richard, 12425 Jennings Road

Mr. Richard asked about a mini-van he has seen in the Township. Office Manager Broecker clarified that the van belongs to a contractor working for the Township. It was also made clear that the contractor carries its own insurance coverage and does not pose a risk for the Township.

Les Scott, 12499 Margaret Drive

Relating to the earlier questions about burning leaves, Mr. Scott stated that it was his understanding that the Township has an ordinance that prohibits almost all open burning. Office Manager Broecker confirmed that the Township does have such an ordinance.

Darrell Tobias, 14167 Swanee Beach

Mr. Tobias, representing the Moose Lodge, stated that their sewer use bill seems very high and wondered if their organization had any options to reduce the cost. It was clarified that the table of unit factors used to calculate fees is not subject to discretionary changes, however converting to a metered account, versus a flat-rate account, may result in some savings.

ADJOURN: Meeting adjourned at 9:05 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 11/5/03