

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MARCH 15, 2004**

**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:

The following items were requested to be added to the agenda:

Legal Fees-Annexation Appeal (Krug)

Contact Fenton City Council-Annexation Appeal (Carmody)

Sewer Connection Fee Surcharge (McDermott)

Motion to approve the 3/15/04 Fenton Township Board Meeting agenda as amended.

Motion by: Krug

Seconded: Carmody

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 3/1/04 regular meeting stand approved as presented.

EXPENDITURES:

Trustee McDermott again questioned the \$1,200.00 expenditure for the Flint-Genesee Economic Growth Alliance. Office Manager Broecker clarified that the Township Board in 2001 authorized an annual investment of \$1,200.00. Because the Growth Alliance had requested an increase to this amount, the issue was reviewed at the 2/21/04 workshop meeting. Because it was the direction of the board not to change the amount of the annual investment, no further action is necessary by the board. Motion to approve expenditures as presented.

Motion by: Stiverson

Seconded: Garfield

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

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Rowe Incorporated Project Status Report

Clerk Krug reviewed the monthly project status report from Rowe Incorporated. The Township Hall parking lot project is currently out for bids. Bids will be opened on 3/30/04. A draft of the Township's Water Master Plan was reviewed at this evening's workshop session. Rowe will be working with Genesee County before creating a final document.

Genesee County WWS Capacity Utilization Report

Office Manager Broecker briefly reviewed the sanitary sewer capacity utilization report from Genesee County.

Fenton Area Cable Television Consortium Update

Trustee Carmody reported that Three District Productions will be videotaping the upcoming Town Hall meeting for telecast on Channel 19. He is also pursuing cost estimates for the purchase of equipment for the televising of Fenton Township meetings on a regular basis. A preliminary estimate of \$15,000-\$17,000 has been provided. If approved, this equipment would be purchased with PEG funds. Trustee Carmody also reported that renewal of the cable franchise agreement would be reviewed at the next FACT Consortium meeting on 3/25/04. Board members should forward any input regarding the franchise to Trustee Carmody before that date.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Residential Parking Ordinance/1st Reading

Supervisor Mathis reviewed the proposed ordinance to limit the parking of commercial vehicles in residential zoning districts, which was introduced at the 3/1/04 meeting. The Planning Commission has recommended that the board adopt this ordinance to match the existing provisions in the Zoning Ordinance. There was no further discussion.

Motion to adopt Ordinance No. 616, a Residential Parking Ordinance, as presented.

Motion by: Stiverson

Seconded: Gatesman

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

Nays: None

Motion carried. Ordinance declared adopted.

Rezoning #R04-001, Thompson Properties LLC, 06-03-400-008; AG & M-1 to PUD/1st Reading

Supervisor Mathis introduced a proposed Zoning Ordinance amendment to rezone parcel 06-03-400-008 from AG and M-1 to PUD. Trustee Gatesman reported that the Planning Commission conducted a public on this proposed rezoning and, due to a split vote, there is no formal recommendation from the Planning Commission for approval or denial.

Dan LeClair of Alpine Engineering, representing the applicant, presented an overview of the proposed project. The conceptual plan includes:

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- ❑ 272 condominium units; 8 units per building.
- ❑ Density is 8 units per acre for the 34 usable acres of land.
- ❑ 28 total acres of open space, including wetlands, woods, etc.
- ❑ Type I well system to provide water for the development.
- ❑ Target market is retirees, empty nesters and singles.

Mr. LeClair stated that the proposed project fits well with the Thompson Road Corridor Plan. They anticipate a 3-4 year build-out period.

Trustee Stiverson asked when the development would begin. Mr. LeClair responded that, if approved, construction would begin in late 2004 or early 2005. Trustee McDermott asked if the developer was prepared to participate in a public water project. Mr. LeClair responded that the developer is willing to be a part of a special assessment district if public water is to become available. Supervisor Mathis pointed out that the traffic generated by the proposed use may be less than would be generated by an industrial facility, which could be developed under the existing zoning. Clerk Krug expressed concern with the proposed density of the project and with the potential transient nature of the residents of such a development. Mr. LeClair responded that, if this was to be a rental development, the transient issue would be a valid one. Because these would be condominium units to be purchased, the residents will not be transient. Trustee Carmody asked in what price range would these units be marketed. Mr. LeClair responded that the units would be sold in the \$160,000-\$180,000 range. Trustee Carmody expressed concern regarding the proposed density of the project and the developer's willingness to be flexible and work with the Township.

Public Comment:

The following individuals spoke in opposition of the proposed rezoning:

Tom Richard, 12425 Jennings Road
Sonya Brown, 12159 Jennings Road
Judy Kullberg, 16490 Whitaker Road
Bill Ochodnicky, 14107 Landings Way
Lee Martorana, 4180 Four Lakes Avenue
Iris Peace, 11421 Audubon Drive
Jerry Richardson, 16470 Dusklight Drive
Dan Zawlocki, 4520 Eleanor Drive
Denise (no last name given), 75 Chateaux du Lac

Their comments/concerns included:

- ❑ Density is too high.
- ❑ Compatibility with surrounding uses.
- ❑ Impact on schools.
- ❑ Impact on traffic.
- ❑ Impact on wetlands.
- ❑ Negative impact on the community in general.
- ❑ Impact on groundwater and water quality.
- ❑ Potential legal impact on current mobile home lawsuit.

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- ❑ Multi-level units are not suitable for retirees.
- ❑ Concerns with emergency vehicle access with only one entrance.
- ❑ Proposed units are not attractive.
- ❑ The proposed development provides nothing advantageous to the community.
- ❑ The units look like cheap housing. Fenton Township needs better.

The following individuals spoke in favor of the proposed rezoning:

Tom Miller, 15285 Curtwood Drive
David Goldstein, 13340 Craneridge Drive
Craig Huntersmark, Real Estate Broker
Scott Seymour, 12423 Odell Road

Their comments included:

- ❑ The proposed project would represent a positive first step in the development of the Thompson Road Corridor.
- ❑ A residential development, if done well, is preferable to an industrial facility, which could be developed with the existing zoning.
- ❑ The goal of the Thompson Road Corridor plan is to concentrate development in this area. This project would be a good start in that direction.
- ❑ The proposed development is a potential asset to the community.
- ❑ The proposed project may provide the impetus for further positive development and cleanup of the Thompson Road Corridor.
- ❑ If the board and/or public is opposed to the project as proposed, maybe a compromise can be reached to develop a more workable project.

Betty Anne Wolfe, 11364 Farm Lane

Ms. Wolfe, who along with her husband David Wolfe owns the subject property, pointed out that the Planning Commission in 2001 designated this property for high density residential development. The designation was subsequently changed back to commercial/industrial after the Thompson Road Corridor plan was developed, but it is still a strong indication that this type of development is appropriate for the property. She believes the proposed project fits with and will enhance the Thompson Road Corridor plan. Ms. Wolfe stated that she and her husband care deeply about the Fenton Township community and want their property to be developed into something that is a positive for the community. They have turned down three cash offers from mobile home developers and have also turned down offers to develop a manufacturing facility. They want to work with the Township to ensure that whatever is developed is what is best for the Township. They believe the proposed project is in the best interests of the Township.

Ms. Wolfe also expressed concern that Trustee McDermott commented on the proposed rezoning at the Planning Commission public hearing without identifying whether he was speaking as a member of the Township Board or as a private citizen.

Trustee Carmody stated that he doesn't want an adversarial relationship with the developer but would like to see a willingness to cooperate and compromise.

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Robert Langan, representing the developer, stated that they have worked very closely with the Township and have made several concessions, including a boulevard entrance designed to work with the corridor plan. He stated that the commercial viability of the Thompson Road Corridor is dependent on residential development. The subject property fits the criteria for high density development.

The board continued discussion regarding a rear access drive and the possibility of eliminating some units to provide that access.

Trustee McDermott stated that he does not have a problem with the requested density if there is an appropriate amount of open space. The total usable open space for this proposed project, excluding wetlands, is approximately 7 acres. He does not believe this is sufficient. David Wolfe responded that the wooded area, while classified as wetlands, is dry and usable during the summer and fall months.

There was no further discussion. The second reading of the proposed rezoning ordinance will be conducted at the 4/5/04 meeting.

Rezoning #R04-002, Irvin Ridenour, 06-32-300-005; AG to R-3/1st Reading

Supervisor Mathis introduced a proposed Zoning Ordinance amendment to rezone parcel 06-32-300-005 from AG to R-3. Trustee Gatesman reported that the rezoning request was recommended for approval by the Planning Commission. The request is consistent with the Township's Future Land Use Plan. Doug Ridenour, co-owner of the subject property, stated that the parcel is approximately 12.8 acres in size with no wetlands. They would like to develop single family homes on the property, while preserving the existing farmhouse. Clerk Krug asked how many homes would be developed and in what price range. Mr. Ridenour stated that the number of homes had not yet been determined but the anticipated price range would be \$220,000-\$250,000.

Public Comment:

The following individuals spoke in opposition to the proposed rezoning:

- Tom Wakeford, 5418 Lobdell Road
- Loretta Wakeford, 5418 Lobdell Road
- Judy Kullberg, 16490 Whitaker Road
- Dan Vendlinski, 5304 Lobdell Road
- Laura O'Lewin, 16512 Whitaker Road
- Dan Zawlocki, 4520 Eleanor Drive
- Robert Kullberg, 16490 Whitaker Road

Their comments/concerns included:

- Impact on schools.
- Traffic concerns.
- Impact on road and the existing drainage problems.
- Impact on nearby wetlands.
- R-3 zoning would allow too many homes for the area.

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- ❑ The property should be considered for R-2 zoning to be consistent with neighboring properties.
- ❑ Impact on groundwater.
- ❑ The new sewer line coming from Tyrone Township could increase the density under this zoning.

There was no further discussion. The second reading of the proposed rezoning ordinance will be conducted at the 4/5/04 meeting.

Rezoning #R04-003, Mustafa Gheriani, 06-09-300-024; AG to R-3/1st Reading

Supervisor Mathis introduced a proposed Zoning Ordinance amendment to rezone parcel 06-09-300-024 from AG to R-3. Trustee Gatesman reported that the Planning Commission unanimously recommended approval of the rezoning, citing its compliance with the Township's Land Use Plan. There was no public comment. The second reading of the proposed rezoning ordinance will be conducted at the 4/5/04 meeting.

UNFINISHED BUSINESS-OTHER:

None

NEW BUSINESS:

Resolution No. 2004-11, Street Lighting Special Assessment-Horizon Lakes Airpark

Office Manager Broecker reported that the owners of the Horizon Lakes Airpark development had petitioned for the creation of a street lighting special assessment district for the first phase of their project. The next step in the process is to conduct a public hearing on the creation of the special assessment district. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-11

WHEREAS, the Fenton Township Board has accepted a petition from the record owners of properties within Phase I of the Horizon Lakes Airpark development to establish a special assessment district for street lighting within the development, and

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 I of the Horizon Lakes Airpark development, and

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BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby tentatively establish the boundaries of the proposed special assessment district to include Units 1-35 of the Horizon Lakes Airpark development, 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 April 5, 2004 at the Fenton Township Civic Community Center, beginning at 7:30 p.m.

Motion to adopt Resolution No. 2004-11 as presented.

Motion by: Krug

Seconded: Stiverson

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

Nays: None

Motion carried. Resolution declared adopted.

Tentative Approval - Preliminary Plat of Byram Ridge

Supervisor Mathis reported that the developer of the Byram Ridge subdivision (Starrs Farm property) is requesting tentative approval of their preliminary plat. The Planning Commission has reviewed the preliminary plat and recommended that the Township Board grant tentative approval.

Gary Menzel, representing the applicant, stated that the tentative approval of the preliminary plat is the next step in the plat process. They have worked with the Genesee County Drain Commissioner and Road Commission to design a drainage system that will drain at half the allowable agricultural rate. Trustee McDermott expressed concern that open space, which was required to obtain the higher density, has been eliminated by increasing the size and number of detention areas. Mr. Menzel stated that this only represents approximately 4 acres and that the detention areas would be designed as natural features that will enhance the development. Mr. Menzel also clarified that all county and state approvals would be required before the Township Board can grant final approval.

Motion to grant tentative approval for the preliminary plat of Byram Ridge as presented.

Motion by: Stiverson

Seconded: Krug

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

Nays: None

Motion carried.

Lot Split #ZBA04-005, David Duffy, Platted lot redistribution, 06-14-503-003 & 06-14-503-005

Supervisor Mathis briefly reviewed the request to take a portion of one platted lot and add it to the adjacent lot, in order to correct an encroachment problem. Trustee Stiverson reported that the ZBA has granted the necessary variance and recommended approval of the redistribution.

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Motion to approve the redistribution of platted lots for parcels 06-14-503-003 and 06-14-503-005 as requested.

Motion by: Stiverson

Seconded: Garfield

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

Nays: None

Motion carried.

CDBG Interlocal Loan Agreement – Davison Township

Office Manager Broecker reported that Davison Township has made a formal request to borrow approximately \$70,000.00 in CDBG funds from Fenton Township for a parking lot project. Because Genesee County determined that the proposed project to pave Sonora Drive did not meet eligibility requirements, Fenton Township has \$70,469.00 in 2004 CDBG funds that are unallocated. Loaning these funds to Davison Township would eliminate the need to quickly identify an alternate eligible project and allow Fenton Township to plan for the use of these funds when they are repaid in 2006.

Trustee McDermott stated that he would prefer to investigate other potential uses of the funds in Fenton Township rather than loan them out. He suggested landscaping improvements for mobile home parks as a possibility. The board agreed to table the issue until the 4/5/04 meeting.

Proposed Amendments to 2004 Budget

Office Manager Broecker reviewed proposed amendments to the 2004 budget. The most significant change was the elimination of the \$125,000.00 appropriation from the General Fund to the Fire Fund. This money has been shifted to local road improvements to allow the Township to complete two significant road projects in 2004.

Motion to approve amendments to the 2004 Fenton Township Budget as presented.

Motion by: Stiverson

Seconded: Garfield

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

Nays: None

Motion carried.

2004 Local Road Improvement Projects

Office Manager Broecker reviewed proposed local road improvement projects for 2004. Based on input received at the public hearing and from the Genesee County Road Commission, the recommended projects are:

Asphalt resurfacing – Rolston Road between Four Lakes Avenue and Jennings Road.

Limestone resurfacing – Odell Road between Lahring and Linden Roads.

Total cost to the Township for both projects is estimated at \$190,975.00, with approximately \$17,500.00 being covered by matching funds from Genesee County.

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Motion to approve 2004 local road improvement projects as presented.

Motion by: Stiverson

Seconded: Garfield

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

Nays: None

Motion carried.

Appeal of Annexation Decision

It was reported that Township Attorney John Siler, as directed by previous Township Board action, had filed an appeal of the State Boundary Commission's approval of the annexation of 15 acres from Fenton Township to the City of Fenton. Trustee Carmody asked the board to authorize him to approach the Fenton City Council at their next meeting to ask them to join the Township's legal action. The following resolution was presented for consideration:

RESOLUTION NO. 2004-13

BE IT RESOLVED, that the Fenton Township Board does hereby authorize Trustee Patrick Carmody to make a formal request of the Fenton City Council at their March 22, 2004 meeting to join Fenton Township in their legal appeal of the State of Michigan Boundary Commission's Final Order of Annexation with respect to Docket #02-AP-6, which approved the annexation of approximately 15 acres of property located near the intersection of Owen and Jennings Roads in Fenton Township to the City of Fenton, to be effective 30 days from the date of the Final Order, which was signed on February 24, 2004 by Director David C. Hollister.

Motion to adopt Resolution No. 2004-13 as presented.

Motion by: Krug

Seconded: Mathis

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

Nays: None

Motion carried. Resolution declared adopted.

Legal Fees – Annexation Appeal

Clerk Krug reviewed a letter from Attorney Siler regarding the appeal process for the previously discussed annexation. Due to the complexities of the appellate process, he is asking that the Township Board approve an increase to his hourly rate from \$145.00 to \$200.00 for this case only. The board agreed that this was appropriate.

Motion to authorize an hourly rate of \$200.00 for Township Attorney John Siler, only for services rendered for the legal action to appeal the State Boundary Commission's approval of an annexation order, Docket #02-AP-6.

Motion by: Krug

Seconded: Gatesman

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

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Nays: None
Motion carried.

Sewer Connection Fee Surcharge

Trustee McDermott asked the board to consider changing the policy for assessing the sewer connection fee surcharge on new construction. Currently one surcharge of \$3,250 is charged for each permit. He recommends charging one surcharge per unit. The board agreed to review this issue at a future meeting.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Brian Goodell, Owen Road

Mr. Goodell questioned the reasoning behind the adoption of the Residential Parking Ordinance. He believes it is unfair to allow residents to park their commercial vehicles in their driveway. It was clarified that this restriction already exists in the Zoning Ordinance. Adopting a general ordinance with the same provisions makes the requirement uniform and does not allow for any pre-existing situations or “grandfathering”.

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

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 3/16/04