

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF APRIL 5, 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:**

Trustee McDermott asked to have the CDBG Interlocal Loan removed from the agenda. He is still researching potential uses for the funds in Fenton Township. Motion to approve the 4/5/04 Fenton Township Board Meeting agenda as amended.

Motion by: McDermott

Seconded: Krug

Ayes: All

Nays: None

Motion carried. The agenda is approved.

**MEETING MINUTES:**

The minutes of the 3/15/04 workshop meeting and the 3/15/04 regular meeting stand approved as presented.

**EXPENDITURES:**

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:**

**Horizon Lakes Airpark I Street Lighting Special Assessment District/1<sup>st</sup> Hearing**

Supervisor Mathis reviewed a proposed special assessment district for street lighting in Phase I of the Horizon Lakes Airpark development. There was no public comment. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2004-14**

*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*

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*Assessment District for assessing the costs of the proposed street lighting project to schedule a public hearing upon the same for this date, and*

*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 5<sup>th</sup> day of April 2004 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 Horizon Lakes Airpark I Street Lighting Special Assessment District were properly signed by the record owners of land whose land area 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 I of the Horizon Lakes Airpark development as prepared and presented, and the estimated costs thereof of \$1,540.00 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 Horizon Lakes Airpark I Street Lighting Special Assessment District, within which the costs of such improvements shall be assessed, the following described area within said township:*

***Units 1-35 of the Horizon Lakes Airpark Condominium Development***

*BE IT FINALLY 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/she has, according to his best judgment, conformed in all respects to the directions contained in this Resolution and the applicable state statutes.*

Motion to adopt Resolution No. 2004-14 as presented.

Motion by: Krug

Seconded: Stiverson

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

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Nays: None  
Motion carried. Resolution declared adopted.

Supervisor Mathis stated that, in anticipation of the previous resolution, an assessment roll has been prepared, certified and submitted to the Township Clerk. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2004-15**

*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 \$1,540.00 per year, covering all parcels of land within the Horizon Lakes Airpark I 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 April 19, 2004 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 FINALLY 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 Horizon Lakes Airpark I 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. 2004-15 as presented.

Motion by: Krug

Seconded: Garfield

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

Nays: None

Motion carried. Resolution declared adopted.

**REPORTS:**

**Public Safety Committee**

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Treasurer Garfield reported that the Public Safety Committee has been reviewing the issue of dry hydrants. The Township is looking for lakefront property owners who are willing to grant an easement to have a dry hydrant located on their property. These dry hydrants allow the fire trucks to refill the water tanks more quickly. If possible, the Township would like to install up to five dry hydrants this year.

**Fenton Area Cable Television (FACT) Consortium Update**

Trustee Carmody reported that the FACT Consortium recently met with representatives from Charter Communications regarding the renewal of the franchise agreement. Negotiations will continue at future meetings.

**COMMUNICATIONS:**

**Michigan Department of Transportation Project**

Office Manager Broecker reviewed a letter from the Michigan Department of Transportation regarding the **MI Travel Counts** program. This program will involve Michigan residents selected at random filling out a 2-day travel diary to assist with the research.

**Household Hazardous Waste Collection Day**

Supervisor Mathis announced that the next Household Hazardous Waste Collection Day will be Saturday May 8, 2004 from 10:00 a.m. to 2:00 p.m. The two collections locations will be the City of Flint Water Service Center and Carman-Ainsworth High School. A second collection day will be scheduled in the fall.

**UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:**

**Rezoning #R04-001, Thompson Properties LLC, 06-03-400-008; AG & M-1 to PUD/2<sup>nd</sup> Reading**

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to rezone parcel 06-03-400-008 from AG and M-1 to PUD, which was introduced at the 3/15/04 meeting.

Dan LeClair of Alpine Engineering, representing the applicant, outlined proposed changes to the conceptual plan:

- ❑ A reduction from 272 to 256 condominium units; 8 units per building.
- ❑ Density reduced from 8 to 7.5 units per acre for the 34 usable acres of land.
- ❑ The developer would agree to construct, at its own expense, an additional westbound traffic lane on Thompson Road from their development entrance to US-23.
- ❑ The developer is willing to participate in a special assessment district for public water, if and when the Township initiates such a project.
- ❑ The conceptual plan has been revised to accommodate half of the required roadway for a rear access drive.

Supervisor Mathis briefly reviewed the types of uses that would be permitted under the current M-1 zoning for part of the property.

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Trustee Gatesman questioned the proposed right-of-way for the rear access drive. Applicant Robert Langan clarified that the plan includes a 30-foot right-of-way intended to be half of the rear access drive called for in the Thompson Road Corridor plan.

Trustee McDermott stated that he is opposed to the rezoning. He does not believe the property meets the criteria for PUD zoning. He is also concerned about the high density of the proposed project, the lack of usable open space and the lack of amenities. He also favors sub-surface storm water detention and increased landscape standards. He believes that the Township Engineer should review the conceptual plan before the board acts on the rezoning request.

Treasurer Garfield stated that she is in favor of PUD zoning because it gives the Township more control. This project could be the first step in cleaning up the Thompson Road area.

Trustee Carmody stated that the developer has shown a willingness to work with the Township, however he is not comfortable making a decision on the rezoning until more of the issues can be discussed and resolved. He suggested that the rezoning request could be referred back to the Planning Commission for reconsideration, especially since the Planning Commission motions for recommendations to approve and deny both resulted in a 3-3 tie.

Mr. Langan stated that he believes they have included many concessions in their plan and that they have tried to work with the Township to develop a plan that best suits the needs of the community. He also stated that they are not prepared to significantly reduce the density of the proposed project.

The board discussed the concept of postponing the issue pending further review and discussion. Trustee McDermott made a motion to table the issue until the 4/19/04 meeting. The motion failed for lack of a second. After continued discussion, Trustee Carmody made a motion to postpone action on the rezoning ordinance, pending further discussion and negotiation, with the potential of making further revisions to the PUD conditions. The motion was seconded by Trustee McDermott. After further discussion Supervisor Mathis call for a five minute recess.

The meeting was recessed at 9:05 p.m.

The meeting reconvened at 9:10 p.m.

Trustee Carmody withdrew his previous motion and Trustee McDermott withdrew his second. Supervisor Mathis made a motion to approve the rezoning with a reduction in the number of units from 272 to 248.

Motion to adopt Ordinance No. 617, an amendment to the Zoning Ordinance to rezone parcel 06-03-400-008 from AG and M-1 to PUD, with the maximum number of residential units reduced to 248, as amended.

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Seconded: Garfield  
Ayes: Mathis, Garfield, Carmody, Stiverson  
Nays: Krug, Gatesman, McDermott  
Motion carried. Ordinance declared adopted.

**Rezoning #R04-002, Irvin Ridenour, 06-32-300-005; AG to R-3/2<sup>nd</sup> Reading**

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to rezone parcel 06-32-300-005 from AG to R-3, which was introduced at the 3/15/04 meeting. Trustee McDermott noted that the proposed rezoning was recommended for approval by the Planning Commission and that it is consistent with the Land Use Plan. There was no further discussion.

Motion to adopt Ordinance No. 618, an amendment to the Zoning Ordinance to rezone parcel 06-32-300-005 from AG to R-3 as presented.

Motion by: Stiverson  
Seconded: Gatesman  
Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson  
Nays: None  
Motion carried. Ordinance declared adopted.

**Rezoning #R04-003, Mustafa Gheriani, 06-09-300-024; AG to R-3/2<sup>nd</sup> Reading**

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to rezone parcel 06-09-300-024 from AG to R-3, which was introduced at the 3/15/04 meeting. Trustee McDermott noted that this proposed rezoning was also recommended for approval by the Planning Commission and that it is consistent with the Land Use Plan. There was no further discussion.

Motion to adopt Ordinance No. 619, an amendment to the Zoning Ordinance to rezone parcel 06-09-300-024 from AG to R-3 as presented.

Motion by: Stiverson  
Seconded: Garfield  
Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson  
Nays: None  
Motion carried. Ordinance declared adopted.

**UNFINISHED BUSINESS-OTHER:**

None

**NEW BUSINESS:**

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**Resolution No. 2004-16, Honoring Former Board of Review Member Beverly McKenna**

Supervisor Mathis reported that a resolution had been drafted to honor Bev McKenna, who stepped down from her seat on the Fenton Township Board of Review after 13 years of service. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2004-16**

*WHEREAS, Beverly J. McKenna has stepped down from her position on the Fenton Township Board of Review as of February 2004, and*

*WHEREAS, Ms. McKenna has been a resident of Fenton Township for many years, during which time she has contributed greatly to the progress and welfare of the community, most notably as a member of the Fenton Township Board of Review and in the local real estate industry, and*

*WHEREAS, Ms. McKenna served loyally and faithfully as a member of the Fenton Township Board of Review from 1991 to 2004;*

*THEREFORE BE IT RESOLVED, that the Fenton Township Board of Trustees hereby recognizes Beverly J. McKenna for her valuable contributions to our community and expresses appreciation and gratitude for her dedicated service to the government and citizens of Fenton Township, and*

*BE IT FINALLY RESOLVED, that a copy of this resolution be spread upon the minutes of this meeting and a copy provided to Ms. McKenna.*

Motion to adopt Resolution No. 2004-16 as presented.

Motion by: Krug

Seconded: Garfield

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

Nays: None

Motion carried. Resolution declared adopted.

**Law Day Proclamation**

Supervisor Mathis reported that the Genesee County Bar Association has asked local units of government to adopt a proclamation declaring May 1<sup>st</sup> as "Law Day. Clerk Krug presented the following proclamation:

**LAW DAY PROCLAMATION 2004**

*WHEREAS, Law Day is a celebration of our great heritage of liberty, justice and equality under law, and*

*WHEREAS, the U.S. Supreme Court case of Brown v. Board of Education is a landmark in the nation's march towards equality and a testament to the legal system's ability to establish and protect our rights, and*

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*WHEREAS, the work of dedicated lawyers in Brown and in hundreds of other cases challenging segregation demonstrated the highest standards of advocacy in the service of a great cause, and*

*WHEREAS, Brown v. Board of Education not only ended legally imposed segregation in the schools, but was instrumental in ending it in parks, libraries and all other public institutions, and*

*WHEREAS, the decision in Brown v. Board of Education inspired and gave heart to the civil rights movement and helped usher in an unprecedented era of progress, and*

*WHEREAS, May 17, 2004 is the fiftieth anniversary of the decision in Brown v. Board of Education;*

*NOW, therefore, as we celebrate Law Day 2004, we acknowledge this great milestone case and its moral a legal imperative of equality under the law, and we renew our commitment to a society of equality of opportunity and to a recognition of the value and richness of our diversity as a people.*

*NOW THEREFORE, BE IT RESOLVED, that the Township Board of the Charter Township of Fenton does hereby proclaim Saturday May 1, 2004 as Law Day. We urge the citizens, schools, businesses and media of the Fenton community and all of Genesee County to use this occasion to dedicate ourselves to preserve and strengthen the rule of the law and the independence of our courts.*

Motion to adopt the Law Day Proclamation as presented.

Motion by: Krug

Seconded: Garfield

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

Nays: None

Motion carried. Proclamation declared adopted.

**Genesee County Road Commission, 2004 Dust Control Program**

Office Manager Broecker reviewed the 2004 Genesee County Road Commission Dust Control Program. As is past years, Genesee County will provide the spring chloride application at their expense. The Township will be responsible for the cost of the second application in the summer. Total cost to the Township is approximately \$15,250.00.

Motion to approve the 2004 Dust Control Program with the Genesee County Road Commission as presented.

Motion by: Krug

Seconded: Garfield

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

Nays: None

Motion carried.

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**PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:**

Dave Franz, 3435 Breezepointe

Mr. Franz stated that sewer work on Jennings Road has resulted in a large hole just south of Lahring Road. He also asked when the pavement cuts from the sewer repairs would be repaved. Supervisor Mathis responded that she would have the Genesee County Road Commission repair the large hole as soon as possible. Repaving of the road cuts would be completed soon after the road restrictions are lifted and the asphalt plants open .

Susan Foland, 11421 Fairbanks Road

Ms. Foland stated that she is disappointed in the board's decision to rezone the Wolfe property. She believes the board reacted to the developer's "threat" to leave if the rezoning was not approved, and also believes the decision was based on personal friendships. Supervisor Mathis responded that the developer's statement that they were not prepared to reduce density was not perceived as a "threat" and had no bearing on the decision. She also stated that her vote was in no way influenced by personal feelings.

Daniel Zawlocki, 4520 Eleanor Drive

Mr. Zawlocki stated opposition to the rezoning of the Wolfe property. He believes that approving a rezoning with that density is unacceptable.

Lorraine Zimmer, 6391 Acorn Way

Ms. Zimmer questioned an article in the Tri-County Times regarding the possible connection of part of Argentine Township into the District 3 treatment plant. She also criticized the Genesee County Drain Commissioner for not keeping his promises. Supervisor Mathis responded that Fenton Township has not been notified of any proposal to add Argentine Township to the District 3 treatment plant. Ms. Zimmer agreed with the earlier comment that the board approval of the Wolfe rezoning seemed to be in response to the developer's "threat" to leave.

Denise (no last name or address given),

Denise urged the board to follow the plans that have been approved (Land Use Plan, Thompson Road Corridor, etc.). She is also opposed to high density development.

**ADJOURN:** Meeting adjourned at 9:50 p.m.

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 4/6/04**