

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MAY 3, 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:

Clerk Krug asked to have the following item added to the agenda:

Resolution No. 2004-18, honoring Torrey Hill Principal Clarence Garner

Trustee McDermott asked to have several items added to the agenda. Supervisor Mathis stated that items will not be added to the agenda without advance notice and appropriate documentation so that the board can be prepared to discuss the issues.

Motion to approve the 5/3/04 Fenton Township Board Meeting agenda as amended.

Motion by: Krug

Seconded: Stiverson

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 4/19/04 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: Gatesman

Seconded: Stiverson

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

Nays: None

Motion carried.

PRESENTATION:

Jeff Wright, Genesee County Drain Commissioner

Genesee County Drain Commissioner Jeff Wright addressed the board on several topics. Noting her recent decision not to run for re-election, Mr. Wright commended Treasurer Garfield for her years of service on the Township Board. He feels that she has had a positive impact on the board.

Mr. Wright reported that the odor abatement project for the District 3 waste water treatment plant is nearing completion. The total cost of the project will be in excess of \$1

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million. Mr. Wright also commended the Township for their continued efforts to reduce sewer system inflow and infiltration through its ongoing repair/upgrade project.

The primary reason for Mr. Wright's visit is the concern over the water level in Lake Ponemah. In addition to natural factors such as rainfall and snow melt, the level in Lake Ponemah, which is connected to the Shiawassee River, is affected by dams located in Holly and Linden. Because there is a history of flooding problems in the spring, the water level is kept intentionally low early in the year. The recent drop in the lake level, while significant, was still within the acceptable range established for Lake Ponemah. The levels have since returned to "normal". Mr. Wright suggested that a drainage district could be established, either by resident petition or board resolution, to make improvements to the Lake Ponemah watershed and better control the lake level.

Trustee McDermott suggested that the board take action to initiate the creation of a drainage district as explained by Drain Commissioner Wright. Trustee Carmody suggested establishing an ad hoc committee, including the neighboring cities, to move the issue forward. Trustee McDermott disagreed with the committee approach, stating that such a committee would lack the necessary expertise to adequately address the issue. He prefers to act immediately. Trustee McDermott made a motion to petition the Genesee County Drain Commissioner to initiate proceedings to establish a Chapter 20 drainage district for the Lake Ponemah watershed.

Drain Commissioner Wright clarified that a board resolution to initiate drainage district proceedings requires specific language and must be prepared by the Drain Commissioner's office. He suggested that his office could contact the neighboring communities to set up an informational meeting as a first step. Trustee McDermott amended his motion as follows:

Motion to request that the Genesee County Drain Commissioner prepare documentation and schedule a meeting to discuss the creation of a drainage district in the Lake Ponemah watershed.

Motion by: McDermott

Seconded: Krug

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

Election Inspectors

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Clerk Krug reported that Fenton Township is once again recruiting election workers. The Primary Election will be Tuesday August 3, 2004 and the General Election will be Tuesday November 2, 2004. Election Inspectors are paid \$125.00 for the full day. Genesee County will be conducting training sessions at the Fenton Township Hall in June and July. Election Inspectors must be registered voters residing in Genesee County, although up to two inspectors per precinct may be between the ages of 16-18. Interested persons should contact the Fenton Township office for more information.

Genesee County Sheriff Department Update

Trustee Carmody reported that 2003 law enforcement statistics related to illegal drugs were recently provided to the Township. During 2003 there were 11 investigations and 17 arrests in Fenton Township. Quantities of cash and illegal drugs were confiscated. The Genesee County Sheriff Department continues to do a fine job in this area.

COMMUNICATIONS:

Clerk Krug announced that he will be seeking re-election to the position of Township Clerk in this year's election.

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Amendment to Zoning Ordinance, Boat Slip/Dock Definitions & PUD Standards/1st Reading

Supervisor Mathis introduced a proposed Zoning Ordinance amendment, which was recommended for approval by the Planning Commission. Trustee Gatesman noted that the language had been revised from a previous version. The purpose of the amendment is to define the terms "boat slip" and "boat dock", and to prohibit the use of non-contiguous property in open space calculations. Trustee McDermott stated that the definition should be amended to exclude detached single-family homes in PUD developments. The amendment could be made at this first reading without causing further delay. It was also suggested that the proposed amendment should be referred back to the Planning Commission for further review.

Motion to refer the proposed Zoning Ordinance amendment back to the Planning Commission for further review and revision.

Motion by: Mathis

Seconded: Stiverson

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

Nays: McDermott

Motion carried.

**Amendment to Zoning Ordinance, Definitions & Standards for Dirt Bike Tracks
Proposed Dirt Bike Ordinance**

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Supervisor Mathis announced that she would like to postpone the first reading of these two ordinances. Public input will be accepted at this meeting and the issue can be discussed at the next workshop meeting before proceeding.

Motion to postpone first reading of the proposed Zoning Ordinance amendment regarding dirt bikes and the proposed Dirt Bike Ordinance.

Motion by: Mathis

Seconded: Gatesman

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

Nays: None

Motion carried.

Public Comment:

The following individuals spoke on the issue of dirt bikes:

Chris Salsbury, 1479 Ray Road
Ron Kopicko, 1487 Ray Road
Karl Matesic, 13241 Hogan Road
Wayne Salsbury, 2398 Grove Park Road
Christina Price, 4115 Lahring Road
Randy Kinne, 14216 Landings Way
Tim Foland, 11421 Fairbanks Road
Bruce Walker, 12371 Odell Road
John Stewart, 12300 Jennings Road
Craig Pickett, 11403 Odell Road
Lisa Eby, 4061 Lahring Road
Matt Price, 4115 Lahring Road
Charlene Holtslander, 11401 Fairbanks Road
Sonya Brown, 12159 Jennings Road
Robert Salsbury, 1479 Ray Road

Comments and concerns included:

- Noise and dust from dirt bike tracks creates a nuisance for neighboring properties.
- Adjacent dirt bike track negatively affects property values.
- Riders should show respect for their neighbors.
- Proposed ordinances are too restrictive.
- Proposed ordinances violate the rights of property owners.
- Proposed time limits are too restrictive.
- Property owners should be able to use their property as they see fit.
- Definitions in ordinance are too general; could be interpreted to include lawn tractors or other work vehicles.
- An ordinance to regulate noise levels might be more effective and fair.

The board discussed how the ordinance originated. Supervisor Mathis stated that several dirt bike track complaints in different areas of the Township prompted the Ordinance

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Enforcement Officer to ask the Planning Commission to look into the issue. The proposed ordinance language was modeled after an existing ordinance in another community. Planning Commissioner Bill Ochodnicky confirmed that the ordinance was based on an existing ordinance and represents an attempt to develop acceptable standards that is fair to both sides of the issue. He supports the continued review of the ordinance language and further revisions if necessary.

Trustee McDermott added that the Township's existing Noise Abatement Ordinance and Dust Control Ordinance could be used to effectively control dirt bike tracks. A new ordinance is not necessary.

Supervisor Mathis thanked the audience for their comments. This issue will be placed on the agenda for the next workshop meeting.

Amendment to Zoning Ordinance, Site Plan Review & Time Limits/1st Reading

Supervisor Mathis introduced a proposed Zoning Ordinance amendment, which was recommended for approval by the Planning Commission. The purpose of the amendment is to give the authority for site plan approval extension to the Planning Commission and to establish time limits for preliminary site plan approvals.

There was no public comment. The second reading of the proposed amendatory ordinance will be conducted at the 5/17/04 meeting.

UNFINISHED BUSINESS-OTHER:

CDBG Interlocal Loan Agreement – Davison Township

Office Manager Broecker stated that this item was included on the agenda in case the board decided to move forward with the interlocal loan agreement. Since Treasurer Garfield has initiated an income survey study for Sonora Drive, there will be no action on the proposed loan agreement at this time. Trustee McDermott added that the Loose Senior Citizen Center has added several items to their capital improvement list for which the additional CDBG funds could also be spent.

Scheduling of Workshop Meeting

After a brief discussion the board agreed to schedule a workshop meeting on Monday May 10, 2004, beginning at 7:00 p.m.

RECESS:

The meeting was recessed at 9:30 p.m.

RECONVENE:

The meeting was reconvened at 9:35 p.m.

NEW BUSINESS:

Lot Depth-to-Width Variance Request, Parcel 06-30-400-031

Supervisor Mathis reviewed a request from the owners of 6221 Lakeview Park Drive for a lot depth-to-width ratio variance to allow the division of their property. Amanda Ross

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(applicant) explained that the resulting parcel would meet the 80' frontage requirement for the R-4 zoning district, however a variance is required due to the depth of the lot. Trustee McDermott stated that the 5:1 depth-to-width ratio is intended to prevent the type of lot the applicants are requesting. He suggested that the depth of the proposed lot match the 210 foot depth of the lot immediately west of the applicant's property. Clerk Krug pointed out that an 80'x 400' lot would be permitted without a variance. The additional 185 feet is inconsequential. Ms. Ross explained that their intent was to maintain a straight property line, rather than create a parcel that is even more irregularly shaped.

Motion to grant a variance from the depth-to-width ratio provision of Ordinance No. 516, to permit the requested division of parcel 06-30-400-031 as presented.

Motion by: Krug

Seconded: Stiverson

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

Nays: McDermott

Motion carried.

Lot Split #ZBA04-009, Giovanna Meier, Division of Platted Lot, Parcel 06-14-577-008

Supervisor Mathis reviewed a proposed lot split on Enid Boulevard. Trustee Stiverson reported that the Zoning Board of Appeals has granted the necessary variance to allow the division. The purpose of the proposed split is to create two "garage lots" for the homes across the street. Both existing accessory buildings would be torn down and one accessory building would be constructed on each lot. This would be consistent with other homes along this street.

Motion to approve the division of parcel 06-14-577-008 as presented, provided that the two existing accessory buildings on the parcel are removed.

Motion by: Stiverson

Seconded: Garfield

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

Nays: None

Motion carried.

Request for Preliminary Plat Approval Extension – Silver Landings

Supervisor Mathis reviewed a letter from property owner James Bacon requesting a one-year extension for the approved preliminary plat of Silver Landings. Mr. Bacon explained that the Preliminary Plat was approved for the entire project, however the final plat stage is being completed in phases. The extension will allow the continuation of the plat process for the second phase of the development. Trustee McDermott questioned the board's authority to grant such an extension. The Zoning Ordinance indicates that the Zoning Administrator has this authority. Office Manager Broecker clarified that the Zoning Ordinance relates to site plans rather than plats. In the platting process, the final approval of the Preliminary Plat and any extensions thereof are granted by the Township Board.

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Motion to grant a 1-year extension to the approval for the Preliminary Plat of Silver Landings No. 2.

Motion by: Carmody

Seconded: Stiverson

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

Nays: None

Motion carried.

Revision to 2004 Local Road Improvement Projects

Office Manager Broecker reminded the board that road improvement projects for Odell Road and a portion of Rolston Road were approved at the 3/15/04 meeting. Since that time it has come to the Township's attention that the amount of 50/50 matching funds available to Fenton Township was reduced from \$17,500.00 to \$8,740.00. This puts the estimated cost of the two projects over the current budget. As an alternative for the Odell Road project, a cost proposal was requested from the Genesee County Road Commission to have the limestone purchased directly by the Township and to have the Road Commission provide the labor and equipment to spread and chloride the limestone. It was noted that this method has been used for several roads in recent years. This alternate proposal would reduce the estimated cost of the Odell Road project from \$78,975.00 to \$50,337.00, thus keeping the total for both projects well within budget. The board reviewed a copy of the limestone quote and the County estimate to complete the job. Supervisor Mathis recommended the board approve this revised proposal for the Odell Road project, leaving the Rolston Road project to be completed as already approved.

Trustee McDermott suggested that the Township could finance these projects, thus freeing up cash in the General Fund, which could be put back into the Fire Fund or used toward the construction of Fire Station #3. Treasurer Garfield stated that she is opposed to incurring additional debt when it is not necessary. There is no immediate need to build a third fire station. Trustee McDermott responded that the 2004 General Fund already has a budget deficit and financing these projects could help that situation. Office Manager Broecker clarified that, while the current General Fund budget does include an overall reduction in the fund balance, the projected end-of-year fund balance is well within the target range. If the fund balance is allowed to grow too far beyond the target, it could be interpreted that the Township is not spending enough on services.

Public Comment:

David Franz, 3435 Breezepointe

Mr. Franz agreed that any funds in excess of a designated cash reserve should be spent on services. Excess cash reserves should not be allowed to build up, unless it is for a specific project.

Sonya Brown, 12159 Jennings Road

Ms. Brown stated that the fire assessment should be used to construct a new fire station when needed.

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Trustee Carmody stated that the Public Safety Committee is comfortable with the current budget situation.

Motion to approve the revised proposal for limestone resurfacing of Odell Road at an approximate cost of \$50,337.00, as presented.

Motion by: Gatesman

Seconded: Garfield

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

Nays: McDermott

Motion carried.

Cleaning Services – Fenton Township Civic Community Center

Treasurer Garfield stated that she would like the Township to request bids for the cleaning of the Township Hall. She would like to discuss the issue further at the workshop meeting before taking action.

Resolution No. 2004-18, honoring Torrey Hill Middle School Principal Clarence Garner

Clerk Krug announced that Torrey Hill Middle School Principal Clarence Garner had recently been named Educator of the Year by the Flint Chapter of Phi Delta Kappa. Mr. Garner has been principal at Torrey Hill since 2000 and has done an outstanding job. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-18

*WHEREAS, Clarence Garner, principal at Torrey Hill Middle School in the Lake Fenton Community School District, was recently named **Educator of the Year** by the Flint Chapter of Phi Delta Kappa, and*

WHEREAS, the purpose of this award is to give recognition to individuals who have made noteworthy contributions in the fields of education research, service and leadership within Genesee County, and

WHEREAS, in his four years as principal at Torrey Hill Middle School, Mr. Garner has proven himself to be a dedicated and professional educator, committed to quality education, as well as the implementation of progressive and innovative programs, and

*WHEREAS, under Mr. Garner's leadership, programs such as **Project Lead the Way, Changing Lives with Character Education, Channel One and Project Pride** have been successfully implemented, thus expanding and improving the educational experience for Lake Fenton students;*

*THEREFORE BE IT RESOLVED, that the Fenton Township Board of Trustees hereby congratulates Clarence Garner for being honored by the Flint Chapter of Phi Delta Kappa as Genesee County's **Educator of the Year**, recognizes his valuable contributions to the education of the youth of our community, expresses appreciation and*

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gratitude for his dedicated service to Lake Fenton Schools and the entire Fenton Township community, and extends to him its best wishes for continued success in his educational endeavors, and

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

Motion to adopt Resolution No. 2004-18 as presented.

Motion by: Krug

Seconded: Stiverson

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

Nays: None

Motion carried. Resolution declared adopted.

Other Issues:

Trustee McDermott stated that he would like the board to consider changing the way the sewer connection fee surcharge is calculated. Currently the fee is charged on a “per permit” basis. He would like to change it to a “per unit” basis. Clerk Krug pointed out that this would require an ordinance amendment and could not be acted upon at this meeting.

Supervisor Mathis interjected, stating that this and any other items that Trustee McDermott wishes to bring up should be placed on the workshop agenda for board discussion. Any item to be placed on the regular meeting agenda must be done so in advance and supported with appropriate documentation.

Trustee Carmody stated that one of the sessions he attended at the MTA Educational Conference dealt with board conduct. Board members are obligated to provide advance notice and information prior to bringing up an issue at a meeting. The board must have the opportunity to prepare for discussion of issues, rather than be “ambushed” at the meeting.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

David Franz, 3435 Breezepointe

Mr. Franz asked those board members who had not already done so if they would share their intentions regarding the upcoming election. Trustees Stiverson and Carmody announced that they were running for Township Treasurer. Supervisor Mathis stated that she is seeking re-election to the position of Supervisor and Trustee Gatesman stated that he would be running for Trustee. Trustee McDermott stated that he is undecided at this point.

Bill Ochodnicki, 14107 Landings Way

Mr. Ochodnicki stated that the owner of the Ponemah Lake Estates development has applied for a DEQ permit to do significant dredging along the Shiawassee River shoreline. He asked the board to request a public hearing on this application. Supervisor Mathis will follow up. Mr. Ochodnicki also stated that the Lake Ponemah residents have

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had discussions with Drain Commissioner Wright about creating a drainage district but that the residents were still undecided on the issue.

Mr. Ochodnický stated that he is also opposed to having items added to the agenda without advance notice. It is unfair to the other officials.

ADJOURN: Meeting adjourned at 10:35 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 5/4/04