

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

Absent: Krug, McDermott

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 11/15/04 Fenton Township Board Meeting agenda as presented.

Motion by: Stiverson

Seconded: Gatesman

Ayes: All Present

Nays: None

Absent: Krug, McDermott

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 11/1/04 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: Gatesman

Seconded: Carmody

Ayes: Mathis, Garfield, Carmody, Gatesman, Stiverson

Nays: None

Absent: Krug, McDermott

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

Law Enforcement Update

Supervisor Mathis reported that Sgt. Dave McDonald has been assigned by the Genesee County Sheriff Department to Fenton Township. He will be working 3rd shift.

Genesee County Metro Alliance Update

Trustee Stiverson reported that he attended the most recent Metro Alliance meeting. 30 more roads across Genesee County have been designated as needing significant improvement.

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

Fenton Area Cable Television (FACT) Consortium Update

Trustee Carmody reported that the FACT Consortium is continuing negotiations with Charter Communications for their franchise renewal. He also expects action on the Township's application for broadcasting equipment by the end of the year.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Rezoning #R04-010, Cygnet Automated Cleaning, Inc., parcel 06-02-400-019 (2229 Thompson Road); R-4 to PUD/Public Hearing & 1st Reading

Supervisor Mathis reviewed a proposed amendment to the Zoning Ordinance to rezone property on Thompson Road from R-4 to PUD. Trustee Gatesman noted that the Planning Commission has recommended denial of the rezoning, and that the Land Use Plan designation for the property is Mobile Home Residential. He added that the Planning Commission's primary concern with the proposal was the use of hazardous chemicals and the potential impact on surrounding properties.

John Costa, representing Cygnet Automated Cleaning, noted that Cygnet was purchased by the owners of American Machining, Inc. (AMI), which is located on Wiggins Road, adjacent to the subject property. Cygnet cleans and refurbishes large paint containers for companies such as Dupont, BASF, etc. AMI manufactures and repairs the same type of paint containers. Having the two businesses close together would reduce shipping costs. The proposed plan includes a 40,000 square foot industrial building and a 5,000 square foot office building. Surrounding properties are zoned M-1, M-2, R-3 and RMH.

Tommy Newcomb, past president and owner of Cygnet, stated that the company currently operates a facility in Plymouth, Michigan and has been there for 15 years. Mr. Newcomb provided an overview of the process performed by Cygnet. He also added that a highly effective containment process is required to prevent spills. He stated that he believes some of the public has been misinformed about the chemicals used by this company. The cleaning solution used is 85% water and 15% of a blend of different chemicals, including benzene. This diluted solution is not highly toxic.

Trustee Carmody stated that he is concerned with the vagueness of the chemical information. He is not comfortable that it is safe.

Treasurer Garfield asked how the proper mix of water and chemicals is maintained. Mr. Newcomb responded that ph tests are used to keep the mixture correct.

Trustee Gatesman asked if the solution evaporates. Mr. Newcomb confirmed that the solution does evaporate because it is used at a temperature of 167 degrees. The evaporation is vented through two separate filtration systems before it reaches the outside. The filters primarily remove odor.

Supervisor Mathis asked about truck traffic. Mr. Newcomb stated that the facility would have 3 inbound and 3 outbound loading docks. All vehicles would access the facility from Thompson Road.

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

Trustee Stiverson asked if the Plymouth facility was near residential properties. Mr. Newcomb confirmed that Cygnet's current facility is in an industrial park. Trustee Stiverson suggested contacting the city of Plymouth for feedback on Cygnet's existing facility.

Public Comment:

The following individuals spoke in opposition of the proposed rezoning:

Sonya Brown, 12159 Jennings Road
Dennis Link, 11383 Harbor Cove
Holly Rush, 2208 Thompson Road
Brady Horn, 11411 Rolling Meadow
Mark Kozlo, 2231 Thompson Road
Valerie Disch, 2347 Thompson Road
Dave Franz, 3435 Breezepointe Court
Sandra Fielder, 2254 North Long Lake
Dan Zawlocki, no address given
Alice Redick, 2088 Wiggins Road
Matt Alward, 11405 Harbor Cove
Alan Sieradzki, 11474 Barnum Lake Road
Rolf Carlson, 2220 Thompson Road
Denise Maxwell, no address given
Roger Redick, 2088 Wiggins Road
Sandra Wood, 3311 Lahring Road
Charles Mueller, 6036 Lobdell Road

Their comments/concerns included:

- The potential harmful effects to people in the area from the chemicals used.
- The potential for groundwater contamination.
- Wetland areas are already being filled in on the subject property.
- The potential for negative impact on trees and wildlife.
- Noise pollution.
- Loss of property value for surrounding property.
- The potential for spills from trucks transporting chemicals.
- Residential development would be acceptable; the proposed use belongs in an industrial park.
- Potential impact on Barnum Lake and Lake Fenton.
- Concern over airborne chemical fumes.
- Chemical affects may be more severe for children.
- Increased truck traffic.
- Air quality.

Trustee Stiverson suggested that chemical experts could be consulted prior to a final decision. The board discussed the possibility of postponing the second reading to allow more time for study. Trustee Carmody suggested that a committee be appointed to do the review.

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

Motion to postpone the second reading of the proposed rezoning ordinance to the 12/20/04 meeting, pending further review.

Motion by: Carmody
Seconded: Gatesman
Ayes: Mathis, Garfield, Carmody, Gatesman, Stiverson
Nays: None
Absent: Krug, McDermott

Motion carried.

UNFINISHED BUSINESS-OTHER:

Appointment to Fenton Township Planning Commission

Supervisor Mathis stated that the Planning Commission has one vacant seat due to the recent resignation of Ken Hill. She has reviewed several candidates, and also discussed the appointment with Planning Commission Chairperson John Tucker. She is recommending the appointment of Dave Franz to fill the remainder of Mr. Hill's term. She feels that he will do a fine job for Fenton Township.

Motion to appoint David R. Franz to the Fenton Township Planning Commission for the term ending May 31, 2005.

Motion by: Mathis
Seconded: Gatesman
Ayes: Mathis, Garfield, Carmody, Gatesman, Stiverson
Nays: None
Absent: Krug, McDermott

Motion carried.

NEW BUSINESS:

Approval of 2004 Special Assessment and Miscellaneous Levies

Office Manager Broecker presented the recommended levies and special assessments for the 2004 property tax roll. Proposed specific levies and special assessments are as follows:

General Operating Millage 0.7425
Sewer Debt Retirement Millage 0.1527

Mosquito Control \$ 24.00
Solid Waste Collection 99.00

Private Road Maintenance		Skyline	50.00
Curtwood	120.00	Wendell	0.00
Four Lakes	45.00	Hicks Haven	0.00
McFarlan	0.00	Woodhaven Drive	0.00
Woodhull	60.00	Crystal Cove Ct.	0.00
Latourette	50.00	Pinewood Trail	75.00
Wenwood Pkwy	0.00	Wenwood Drive	15.00
Malibu	0.00	Byram Lake Dr.	30.00
Darts	0.00	Street Light Operation	

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

Minnetonka	14.00	Wyndham Estates I	22.00
Darts	28.00	Wyndham Estates II	22.00
Enid	19.00	Lakeview Farms I	32.00
Log Cabin	38.00	Hidden Ridge II	29.00
Margaret	28.00	Audubon Meadows	24.00
Wenwood	20.00	Crystal Cove	32.00
Windsor Beach	45.00	Pinnacle Shores I	34.00
Pomona	19.00	River Oaks Hollow	25.00
Horrell	23.00	Bryson Estates	20.00
Crooked Lake	28.00	Fentonwood Estates	21.00
Golden Shores	30.00	Pine Lake Forest	24.00
Hidden Ridge I	37.00	North Shore Estates	40.00
Fenton Creek	12.00	Pavilion on Pine Lake	35.00
Eden Garden	30.00	Loon Lake Highlands	30.00
Isle of Bordeaux	220.02	Golden Pond II	149.00
Pinnacle Shores II	18.00	Lakeview Farms II	45.00
Fenton Orchards I	25.00	Golfview Pointe I	32.00
Cussewago	11.00	Loon Harbor Preserve	19.00
Landings at Crane's Cove	17.00	Golfview Pointe II	27.00
Malibu	25.00	Linden Crossings	33.00
Silver Ridge	12.00	McCully Lake Estates I	29.00
Breeze Pointe	15.00	Fenton Orchards II	33.85
Torrey Grove	27.00	Pinnacle Shores III	990.00
West Silver Villa	26.00	Stony Brook I	1,751.24
Scenic View Dr.	45.00	Lake Ponemah Estates I	1,210.00
Linden Meadows	34.00		

It was noted that some of these numbers are base amounts. Properties in some assessment districts may be assessed a lower or higher amount due to property size and/or use.

Motion to approve 2004 property tax roll levies for General Operating, Sewer Debt Retirement, Mosquito Control, Solid Waste Collection and special assessment levies for Private Road Maintenance and Street Lighting as presented.

Motion by: Mathis

Seconded: Garfield

Ayes: Mathis, Garfield, Carmody, Gatesman, Stiverson

Nays: None

Absent: Krug, McDermott

Motion carried.

Schedule Public Hearing for 2005 Fenton Township Budget

Office Manager Broecker reported that a draft version of the 2005 Fenton Township Budget had been prepared and distributed. He requested that the board formally adopt a motion to schedule the annual budget hearing for the 12/6/04 meeting.

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

Motion to schedule a public hearing for the 2005 Fenton Township Budget to be held at the 12/6/04 regular township board meeting.

Motion by: Gatesman
Seconded: Carmody
Ayes: Mathis, Garfield, Carmody, Gatesman, Stiverson
Nays: None
Absent: Krug, McDermott

Motion carried.

Proposed 2005 Fenton Township Meeting Schedule

Supervisor Mathis reported that a proposed 2005 meeting schedule has been prepared for the Township Board, Planning Commission and Zoning Board of Appeals. The basic schedule remains unchanged: 1st and 3rd Monday for Township Board meetings, 2nd Tuesday for Planning Commission and 4th Tuesday for Zoning Board of Appeals. The other boards have reviewed and given their OK for the proposed schedule. Several board members noted that the meeting schedule for July 5th may need to be rescheduled because it is so close to the July 4th holiday. This will be reviewed later and changed if necessary.

Motion to adopt the 2005 Fenton Township Meeting Schedule as presented.

Motion by: Mathis
Seconded: Garfield
Ayes: Mathis, Garfield, Carmody, Gatesman, Stiverson
Nays: None
Absent: Krug, McDermott

Motion carried.

Resolution No. 2004-52, Honoring Treasurer Joan Garfield

Supervisor Mathis stated that this is Joan Garfield's last meeting as a member of the Fenton Township Board. She has been on the Township Board since 1988, Treasurer since 1990. She stated that she has thoroughly enjoyed working with Mrs. Garfield and considers her a good friend. A special honorary resolution has been prepared. Office Manager Broecker presented the following resolution:

RESOLUTION NO. 2004-52

WHEREAS, Joan S. Garfield will complete her term of office as Fenton Township Treasurer on November 20, 2004, and

WHEREAS, Mrs. Garfield is a long-time resident of Fenton Township and has contributed greatly to the progress and welfare of the community, most notably as a member of the Fenton Township Board and as a local business owner, and

WHEREAS, Mrs. Garfield served loyally and faithfully as a Fenton Township Trustee from 1988 to 1990 and as Fenton Township Treasurer from 1990 to 2004, and

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

WHEREAS, under Mrs. Garfield's guidance, the collection of property taxes, management of Township funds and other Treasurer functions have been updated and improved to maximize efficiency, accuracy and security, and

WHEREAS, as a member of the Fenton Township Public Safety Committee, Mrs. Garfield was instrumental in many improvements to the Fenton Township Fire Department and the law enforcement services provided by the Genesee County Sheriff Department, including the securing of donated materials and services for the construction of Fenton Township Fire Station No. 2, and the donation of various equipment by local service organizations to the Fenton Township Fire Department and the Genesee County Sheriff Department;

THEREFORE BE IT RESOLVED, that the Fenton Township Board of Trustees hereby recognizes Joan S. Garfield's valuable contributions to our community, commends her for her outstanding leadership and administrative efforts, and expresses sincere appreciation and gratitude for her dedicated service to the government and citizens of Fenton Township, and

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the minutes of this meeting and a copy provided to Mrs. Garfield.

Motion to adopt Resolution No. 2004-52 as presented.

Motion by: Mathis

Seconded: All

Ayes: All

Nays: None

Motion carried. Resolution declared adopted.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Charles Mueller, 6036 Lobdell Road

Mr. Mueller addressed comments made by Supervisor Mathis in the local newspaper in response to his letter regarding sewer system problems. Mr. Mueller stated that he was on the Township Board when the current Livingston/Genesee sewer project was approved. Because the project could potentially benefit his property, Mr. Mueller abstained from voting on all issues related to this project. He also stated that he has never requested any sewer leads for his property. The original recommendation from Genesee County WWS for 52 leads included both homes and vacant land along the route of the sewer project, including one lead for Mr. Mueller's property. When the leads for vacant land were removed from the project, that one lead was eliminated. There were never any plans to include 21 leads for his property as stated in the newspaper article.

Regarding the sewer system problems, Mr. Mueller stated that there is a restrictor pipe in the sewer interceptor downstream from where the Township's system enters the interceptor. He believes storm water from the City of Fenton resulted in the conditions that forced Fenton Township to spend \$80,000.00 to pump out the sewer lines to avoid spills and backups. While he agrees that the Township took appropriate action to prevent

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

spills, he believes the City of Fenton is primarily responsible for the large flows during rain events and should reimburse the Township for those expenses. This should be able to be determined by using the flow meters already in place.

Supervisor Mathis responded that the Township has been, and continues to review this issue with the Township Engineer and Genesee County WWS. At this time there is no way to determine which municipality “caused” the system to be over capacity during the heavy rains in May. She would be happy to meet with Mr. Mueller any time to review the situation further.

Trustee Carmody noted that the flow meters cannot record accurately when the pipe is full. This issue has been reviewed with the appropriate parties and there is no way to determine with any certainty how much flow is attributable to the City or the Township.

Mr. Mueller also suggested that a manhole restrictor could be installed in the City of Fenton to help determine the source of the excessive flows.

Supervisor Mathis thanked Mr. Mueller for his input.

Sonya Brown, 12159 Jennings Road

Ms. Brown suggested that Mr. Mueller, because of his background and knowledge, should work with the Township on these issues rather than going to the newspaper.

ADJOURN: Meeting adjourned at 9:20 p.m.

Bonnie Mathis, Supervisor

Thomas Broecker, Deputy Clerk

Minutes Posted 11/16/04