

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF DECEMBER 20, 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, Carmody, Gatesman, Goupil, Zimmer, Office Manager  
Broecker and Attorney Cooley.

Absent: Brown

**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 New Business section of the agenda:

*Appointment of Election Commission*

Motion to approve the 12/20/04 Fenton Township Board Meeting agenda as amended.

Motion by: Zimmer  
Seconded: Gatesman  
Ayes: All Present  
Nays: None  
Absent: Brown

Motion carried. The agenda is approved.

**MEETING MINUTES:**

The minutes of the 12/6/04 regular meeting stand approved as presented.

**EXPENDITURES:**

Motion to approve expenditures as presented.

Motion by: Gatesman  
Seconded: Carmody  
Ayes: Mathis, Krug, Carmody, Gatesman, Goupil, Zimmer  
Nays: None  
Absent: Brown

Motion carried.

**PUBLIC HEARINGS:**

None

**REPORTS:**

None

**COMMUNICATIONS:**

None

**UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:**

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**Rezoning #R04-010, Cygnet Automated Cleaning, Inc., parcel 06-02-400-019 (2229  
Thompson Road); R-4 to PUD/2<sup>nd</sup> Reading**

Supervisor Mathis noted that, at the 12/6/04 meeting, the board had discussed postponing this rezoning to the January 10<sup>th</sup> meeting. The board was in agreement with the postponement, however no formal action was taken to do so. Therefore the rezoning still appears on tonight's agenda only for the purpose of formally postponing the second reading until the January 10<sup>th</sup> meeting.

Motion to postpone the second reading of rezoning #R04-010 to January 10, 2005.

Motion by: Carmody

Seconded: Zimmer

Ayes: Mathis, Krug, Carmody, Gatesman, Goupil, Zimmer

Nays: None

Absent: Brown

Motion carried.

**Proposed Amendment to Traffic Code Ordinance/2<sup>nd</sup> Reading**

Supervisor Mathis briefly reviewed the proposed amendment to the Township's Traffic Code Ordinance, which was introduced at the 12/6/04 meeting. The proposed amendment adopts the Motor Carrier Safety Act of 1963 (MCL 480.11-480.22) by reference. This will allow the Township to collect fees for overweight truck violations that occur within our boundaries. There was no further discussion.

Motion to adopt Ordinance No. 631, an amendment to Traffic Control Ordinance No. 614, as presented.

Motion by: Carmody

Seconded: Goupil

Ayes: Mathis, Krug, Carmody, Gatesman, Goupil, Zimmer

Nays: None

Absent: Brown

Motion carried. Resolution declared adopted.

**Rezoning #R04-13, Community Concepts Inc., parcels 06-07-400-002/06-08-300-015,  
(north side of Lahring Road, east of Sharp Road); AG to R-3/1<sup>st</sup> Reading**

Supervisor Mathis reviewed the proposed rezoning. Trustee Gatesman reported that the Land Use Plan designation for the property is *Low Density Residential*, however the availability of sewer makes it appropriate for *Medium Density Residential*. The Planning Commission unanimously recommended approval of the rezoning.

Steve Rumble, representing the applicant, noted that the rezoning request is consistent with the Township's Land Use Plan and fits with surrounding zoning.

Public Comment:

Susan Foland, 11421 Fairbanks Road

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Ms. Foland, President of the Fenton Township Residents Association, expressed concern regarding the impact of another residential development on schools and roads. She asked why the rezoning to R-3 was recommended for approval when the Land Use Plan calls for low density residential. Trustee Gatesman responded that the Land Use Plan states that low density areas would be appropriate for medium density development if sewer is available.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft stated that he is also concerned about the impact of new development on roads, schools and sewers.

Gary Carlson, 14041 Squaw Lake Drive

Mr. Carlson asked if the school districts are notified of rezoning requests. It was confirmed that school districts are not specifically notified of rezoning requests.

Treasurer Carmody stated that he understands and shares many of the concerns expressed by the residents, but also recognizes that the Township must consider legal issues when making these decisions. Supervisor Mathis added that the Township Board will be scheduling a workshop meeting with the Planning Commission in the near future to discuss development issues.

The second reading of the proposed rezoning ordinance will be conducted at the 1/10/05 meeting.

**UNFINISHED BUSINESS-OTHER:**

None

**NEW BUSINESS:**

**Resolution No. 2004-56, 2005 Sewer Bond Payments**

Office Manager Broecker reviewed a letter from Genesee County Water & Waste Services requesting a resolution identifying the source of funds for payment of 2005 sewer bond debt obligations. This resolution was delayed in order to include the payments for the bonds that were sold earlier this month. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2004-56**

*WHEREAS, the Charter Township of Fenton has a need to pay to the County of Genesee the sum of \$2,144,531.94 to meet the bond principal and interest requirements on all bond obligations for sewer facilities in 2005; and*

*WHEREAS, there are several means by which the funds can be secured to meet these payments; and*

*WHEREAS, all various means of securing these funds have been reviewed and considered;*

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*NOW THEREFORE BE IT RESOLVED, by the Charter Township of Fenton, that the monies to meet the principal and interest requirements on all bond obligations for sewer facilities in 2005 will be secured from the following funds.*

<i>Funds Already Available</i>	\$ _____
<i>Tap-In Fees to be Collected</i>	\$ <u>1,000,000.00</u>
<i>Funds from Monthly Rates for Services</i>	\$ <u>1,048,031.94</u>
<i>General Fund</i>	\$ _____
<i>Ad-Valorem Levy</i>	\$ <u>96,500.00</u>
<i>Other</i>	\$ _____
<b>Grand Total:</b>	<b>\$ <u>2,144,531.94</u></b>

*BE IT FURTHER RESOLVED, that the Township Clerk is hereby directed to forward one (1) copy of this Resolution to the County Agency, and retain one (1) copy for the Fenton Township records.*

Motion to adopt Resolution No. 2004-56 as presented.

Motion by: Krug  
 Seconded: Carmody  
 Ayes: Mathis, Krug, Carmody, Gatesman, Goupil, Zimmer  
 Nays: None  
 Absent: Brown

Motion carried. Resolution declared adopted.

**Proposed Employment Agreement – Fire Chief John Moulton**

Supervisor Mathis reviewed a proposed 3-year employment agreement for Fire Chief John Moulton. The agreement is virtually identical to the existing agreement. The annual salary increases remain at 3.5%, and language has been added to require the Fire Chief to establish a framework of goals and objectives for the Fire Department. The Personnel Committee has reviewed the proposed agreement and has recommended approval. Clerk Krug stated that the addition of a goal-based performance evaluation should be a valuable tool in the continued development of the Fire Department.

Trustee Zimmer questioned the use of the Fire Chief as a backup Building Inspector. Supervisor Mathis explained that Chief Moulton is a certified Building Inspector and helps out by completing inspections when our regular inspector is absent or when the inspection volume is very high. This has proven to be very cost effective since it reduces our reliance on outside inspectors to cover those situations.

Motion to approve the employment agreement between Fenton Township and Fire Chief John Moulton as presented.

Motion by: Carmody  
 Seconded: Krug  
 Ayes: Mathis, Krug, Carmody, Gatesman, Goupil, Zimmer

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Nays: None  
Absent: Brown

Motion carried.

**Proposed 2005 GIS Services Agreement – North Arrow Technologies, Inc.**

Supervisor Mathis reviewed the proposed GIS services agreement with North Arrow Technologies for 2005. In addition to routine GIS updates, special projects have been included to identify and map easements and to assist in the development of an emergency preparedness plan (\$41,000 combined total). Because the Township is still investigating the ultimate direction of maintenance of the Cityworks database and the Township's website, language has been added to give the Township the option of eliminating these two items from the Scope of Work. The total projected cost for 2005 is approximately \$94,000.00. The board briefly discussed the Township's existing website. Several enhancements, including the availability of meeting minutes and summaries on the website, are being worked on. Treasurer Carmody asked if the overall project to develop the Township's GIS has resulted in any work product that could potentially be patented or copyrighted. Office Manager Broecker clarified that all software utilized was purchased commercially. Our project has created GIS "layers" and other data, but nothing that could be patented.

Motion to approve the GIS services agreement with North Arrow Technologies Inc., as presented.

Motion by: Gatesman  
Seconded: Zimmer  
Ayes: Mathis, Krug, Carmody, Gatesman, Goupil, Zimmer  
Nays: None  
Absent: Brown

Motion carried.

**2004 Fenton Township Budget – Proposed 4<sup>th</sup> Quarter Amendments**

Office Manager Broecker reviewed the final proposed amendments for the 2004 budget. Costs for police services were increased due to the new contract that became effective 10/1/04. Most other revisions were relatively minor. There was no further discussion.

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

Motion by: Gatesman  
Seconded: Carmody  
Ayes: Mathis, Krug, Carmody, Gatesman, Goupil, Zimmer  
Nays: None  
Absent: Brown

Motion carried.

**Appointment of Election Commission**

Clerk Krug reported that the Township's Election Commission must be appointed again since a new term of office has begun. The Township will need to look at several election-related issues in early 2005 due to the consolidation of school elections. According to

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Michigan Law, the Election Commission of a charter township must consist of the Township Clerk and two Trustees. Clerk Krug is recommending the appointment of Trustees Brown and Gatesman for this commission.

Motion to appoint Clerk Robert Krug and Trustees Tony Brown and Calvin Gatesman as the Fenton Township Election Commission.

Motion by: Krug

Seconded: Mathis

Ayes: Mathis, Krug, Carmody, Gatesman, Goupil, Zimmer

Nays: None

Absent: Brown

Motion carried.

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

DuWayne Stratman, 12420 Darts Drive

Mr. Stratman raised concerns regarding a neighbor that is renting out a part of her home, which is a violation of the Township's Zoning Ordinance. He made the following specific claims:

1. The property owner has misrepresented the rental as a family member living with her.
2. The property owner is claiming 100% homestead exemption.
3. The property is being billed for only one sewer unit.

Supervisor Mathis read a letter from Fenton Township Zoning Administrator Doug Piggott, which classified the use of the subject property for rental as a legal non-conforming use. This decision was based on information provided by the property owner.

Mr. Stratman asked how this property could be rezoned without a proper hearing. Clerk Krug clarified that the property was not rezoned. The rental situation has been classified as a legal non-conforming use.

Supervisor Mathis stated that she would investigate the issue further and suggested that Mr. Stratman make an appointment with the Zoning Administrator to voice his concerns.

Les Scott, 12499 Margaret Drive

Regarding the earlier discussion on the Township's website, Mr. Scott stated that he supports any upgrades or enhancements that can be accomplished.

The board briefly discussed the possibility of conducting a workshop meeting with the Planning Commission. A date of Monday January 17, 2005 at 7:00 p.m. was tentatively set, subject to the availability of Planning Commission members.

**ADJOURN:** Meeting adjourned at 8:50 p.m.

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 12/21/04**