

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MARCH 20, 2006**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Treasurer Carmody called the meeting to order at 7:30 p.m.

Present: Carmody, Brown, Goupil, Zimmer, Attorney Cooley and Office Manager
Broecker.

Absent: Mathis, Krug, Gatesman

PLEDGE OF ALLEGIANCE:

Treasurer Carmody led the pledge of allegiance to the flag.

APPOINTMENT OF CHAIRPERSON PRO-TEM:

Motion to appoint Treasurer Carmody as Chairperson Pro-Tem.

Motion by: Brown

Seconded: Goupil

Ayes: All Present

Nays: None

Absent: Mathis, Krug, Gatesman

Motion carried.

APPROVAL OF AGENDA:

Trustee Brown suggested that, since there are only four board members present, this item should be removed from the agenda and placed on the 4/3/06 meeting agenda. Motion to approve the 3/20/06 Fenton Township Board Meeting agenda as amended.

Motion by: Brown

Seconded: Zimmer

Ayes: All Present

Nays: None

Absent: Mathis, Krug, Gatesman

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 3/6/06 regular meeting stand approved as presented.

EXPENDITURES:

Trustee Brown questioned the \$94,523.18 payment to the Genesee County Drain Commissioner. Office Manager Broecker clarified that the payment consisted of two separate invoices. Approximately \$91,000.00 is the month sewer treatment charge, with the remainder being costs related to storm water management. Motion to approve expenditures as presented.

Motion by: Brown

Seconded: Zimmer

Ayes: Carmody, Brown, Goupil, Zimmer

Nays: None

Absent: Mathis, Krug, Gatesman

Motion carried.

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PUBLIC HEARINGS:

Rezoning #R06-001, Karl Jasinski, parcel 06-11-200-024, (2181 North Long Lake Road); R-3 to PUD/Public Hearing & 1st Reading

Chairman Carmody opened a public hearing and first reading for a proposed Zoning Ordinance amendment to rezone property located at 2181 North Long Lake from R-3 to PUD. The Planning Commission has conducted a public hearing on this proposed amendment and has recommended approval.

Karl Jasinski presented an overview of the proposed project. The subject property is approximately four acres in size (2.9 usable acres). He is proposing to construct an 8-unit detached condominium development consisting of cottage-style homes. The proposed project would create a transition area between the fire station and assisted living facility on one side and residential homes on the other side. The net density of 2.7 units per acre is less than allowed under the properties Land Use Plan designation of high density residential.

Trustee Brown asked how much frontage the property has on North Long Lake Road. Mr. Jasinski stated that the road frontage is approximately 250 feet. Trustee Zimmer noted that she attended the Planning Commission public hearing on this project and there was no opposition from the public.

There was no public comment. The second reading of the proposed ordinance will be conducted at the 4/3/06 meeting.

REPORTS:

Miscellaneous Updates

Chairman Carmody reviewed a memo from Supervisor Mathis on the following issues:

Southern Lakes Parks & Recreation

As discussed at previous meetings, the Fenton Township representatives on the Southern Lakes Parks & Recreation (SLPR) Board, along with the SLPR Director, have been invited to attend a Township Board meeting. They will be in attendance at the 4/17/06 regular board meeting.

Michigan Townships Association (MTA) – Genesee County Chapter

Fenton Township will be hosting the Genesee County MTA meeting on Thursday October 19, 2006, beginning at 6:00 p.m. Please mark your calendars to attend if at all possible. Also, Fenton Township is responsible for selecting a guest speaker for the 9/21/06 meeting at Davison Township. Any suggestions for a guest speaker would be appreciated.

Public Safety Committee Update

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Trustee Goupil reported that, because all of Genesee County has converted to the 800 MHz communications system, the Fenton Township Fire Department is planning to donate their old UHF radio equipment to a fire department in a different part of the state.

The committee also discussed concerns raised by Pine Lake residents regarding hunting on their lake. This issue will be discussed at the 4/3/06 board meeting. Concerns raised by Lake Fenton residents last year regarding certain activities on the lake, particularly on holiday weekends, will be placed on the agenda for the special workshop meeting scheduled for 4/10/06.

COMMUNICATIONS:

Planning Commission Recommendation – Hydro Geological Study

Chairman Carmody reviewed a memo from the Planning Commission recommending that the Township Board consider a hydro geological study for the Township to review and assess water quality issues. Trustee Brown stated that such a study would be very costly and a grant may be the only way the Township could proceed. Chairman Carmody suggested that this issue could be discussed in more detail at a future workshop meeting. Trustee Brown will contact the UM-Flint Center for Applied Environmental Research to inquire about grant availability.

Proposed Wal-Mart Expansion/City of Fenton

Chairman Carmody read two letters from the Silver Ridge Homeowners Association regarding the proposed expansion of the Wal-Mart store in the City of Fenton. The residents are asking for assistance from the Township Board to bring to the City of Fenton their concerns regarding the impact of the proposed expansion on their well water, air quality and general quality of life. They are also requesting:

1. That the Fenton Township Board sends one or more representatives to the 3/23/06 Fenton Planning Commission meeting where this issue will be considered.
2. That the Township attorney review the consent judgment from 2000 to determine if the proposed expansion violates it in any way.

Chairman Carmody stated that any input from the Township, because we have no legal authority, would have to be very diplomatic. Attorney Cooley will draft a letter requesting that the City give consideration to the concerns raised by our residents.

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

Special Meeting – Monday 3/27/06, 6:30 p.m. (Closed Session-Pending Litigation)

Chairman Carmody announced that a special meeting has been scheduled for 6:30 p.m. on Monday 3/27/06 to meet with our attorneys on the JGA vs. Fenton Township lawsuit. This will be a closed session meeting.

NEW BUSINESS:

Proposed Sewer Area Plan – Jennings Road/Thompson Road

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Postponed to the 4/3/06 meeting.

Final Approval of Preliminary Plat – McCully Lake Estates No. 2

Office Manager Broecker reported that the plat of McCully Lakes Estates No. 2 received final approval from the Township Board in October 2005. The State of Michigan would not accept the final plat, however, due to administrative error made several years ago. Apparently, when the preliminary plat was filed for all three phases of the development, the State only acknowledged the Genesee County Health Department approval for the first phase, (McCully Lake Estates No. 1). Since the rules regarding local health department approvals have changed since that initial approval, the State is requiring that the developers obtain a new approval from the Genesee County Health Department, as well as a “re-approval” of both the preliminary plat and final plat from the Fenton Township Board. Included with the packet is documentation confirming that the Genesee County Agencies have approved the preliminary plat. The developers are requesting preliminary plat approval at this time. It is anticipated that they will be ready to request final plat approval in April. Other than the updated information there are no changes to the plat that was previously approved by the Fenton Township Board.

Trustee Zimmer stated that the Township has become more aware of the need for the use of berms and other screening for developments adjacent to busy roads. Although in this case the Township can't require such changes, she asked if the developer would consider berms along the rear of properties adjacent to Fenton Road. Bassil Basher, representing Triangle Development, stated that the area in question contains a storm drain easement and a catch basin, however he would look into the possibility of planting trees to provide additional screening. Chairman Carmody thanked the developer for his willingness to consider these changes.

Motion to grant final approval for the preliminary plat of McCully Lake Estates No. 2, as presented.

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

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Dave Franz, 3435 Breezepointe Court

Mr. Franz, a member of the Fenton Township Planning Commission, clarified that the Planning Commission's recommendation for a hydro geological study was based on the number of times that ground water issues comes up during rezoning cases. Mr. Franz also noted that Mr. Jasinski's rezoning request at 2.7 units per acre is very reasonable considering that 4-6 units per acre are allowed under the high density residential designation.

Claudia Cook, 4017 Shadow Oak Court

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Ms. Cook, representing the Silver Ridge Homeowners Association, thanked the board for listening to their concerns regarding the proposed Wal-Mart expansion. She asked the board to support the concept that an environmental study should be required to address water, air and noise concerns before approving the proposed expansion. Trustee Zimmer suggested that board members should attend the 3/23/06 City of Fenton Planning Commission meeting if possible.

Randy Kinne, 14216 Landings Way

Mr. Kinne reported that a large tree had fallen into the Lake Ponemah channel and wasn't sure how to have it removed legally. The board agreed that removal of a fallen tree from navigable waters would not be a violation. If the removal of the tree must be accomplished from someone else's property, permission to enter the property for that purpose should be obtained.

Tom Richard, 12425 Jennings Road

Mr. Richard asked if the expanded Wal-Mart, if approved, would be open 24 hours per day. It was confirmed that the intent of the expansion is to make the store a Wal-Mart Supercenter, which would indeed be open 24 hours per day, 7 days per week. Mr. Richard expressed concern that the City of Fenton has yet to enforce their commitment to prohibit the parking of semi-trucks in the parking lot.

ADJOURN: Meeting adjourned at 8:55 p.m.

Patrick Carmody, Chairman Pro-Tem

Thomas Broecker, Deputy Clerk

Minutes Posted 3/21/06