

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF APRIL 3, 2006**

**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, Goupil, Zimmer, Attorney Cooley and Recording
Secretary Penelope Sharich.

Absent: Brown, Gatesman

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 to Fenton Township Election Commission

Motion to approve the 4/3/06 Fenton Township Board Meeting agenda as amended.

Motion by: Krug

Seconded: Carmody

Ayes: All Present

Nays: None

Absent: Brown, Gatesman

Motion carried. The agenda is approved.

PRESENTATION:

Jimmy King/Genesee Regional Chamber of Commerce – Wireless Genesee Project

Resolution No. 2006-09, Supporting Wireless Genesee Project

Supervisor Mathis introduced Jimmy King, who is representing the Genesee Regional Chamber of Commerce. Mr. King gave an overview of *Wireless Genesee*, a project to make wireless broadband available to every resident and business in Genesee County. The task force working on the project is seeking a resolution of support from all Genesee County communities, including support for using public facilities to install 15' antennas. So far all communities have indicated support for the project. It is hoped that a county-wide wireless network will attract more businesses to locate in Genesee County. Trustee Goupil asked how many antennas would be needed for an entire township. Mr. King stated that he is not sure exactly how many antennas would be needed, but that they are typically 5,000 feet apart. Trustee Zimmer asked where these antennas would be located. Mr. King responded that many of the antennas would be installed on utility poles, street lights, traffic signals and other similar locations.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2006-09

WHEREAS, the goal of Wireless Genesee is to enhance Genesee County's ability to retain and attract business to the community and prepare the Genesee County workforce for the jobs and technology of tomorrow, and

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WHEREAS, Wireless Genesee seeks to blanket the County's 642 square miles with wireless Internet access and make basic access available at no cost to every resident, business and visitor, and

WHEREAS, Wireless Genesee will address the "digital divide" by providing wireless Internet access to underserved populations in rural and urban communities, and

WHEREAS, Wireless Genesee will enhance educational opportunities and access for all Genesee County students, especially those in K-16 settings who will be able to take advantage of distance learning and increase their understanding of the use of computers, and

WHEREAS, Wireless Genesee will play a key role in the transformation of eGovernment services making services more efficient and less expensive, and

WHEREAS, Wireless Genesee will leverage public structures to create a privately owned wireless network and will not require the use of public funds or grant monies to construct or operate, and

WHEREAS, Wireless Genesee will be installed, owned and operated by private vendors selected in a competitive bid process, and

WHEREAS, Wireless Internet Service Providers will be permitted to sell, and profit from additional services above and beyond FREE basic access. Public entities WILL NOT be allowed to financially benefit from any Wireless Genesee services, and

WHEREAS, Wireless Genesee will enhance the character of Genesee County making it a great place to live, work and play;

NOW, THEREFORE, BE IT RESOLVED, that the Charter Township of Fenton Board of Trustees hereby supports the basic precepts of the Wireless Genesee initiative and asks that the Genesee County Board of Commissioners proceeds with further planning and execution of the objectives and goals of the initiative, as outlined in the February 16, 2006 presentation materials, and

BE IT FURTHER RESOLVED, that the Charter Township of Fenton Board of Trustees hereby supports the utilization of public structures to build the Wireless Genesee network in return for low cost or no cost Internet access for the residents, businesses and organizations in our community.

Motion to adopt Resolution No. 2006-09 as presented.

Motion by: Krug

Seconded: Carmody

Ayes: Mathis, Krug, Carmody, Goupil, Zimmer

Nays: None

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Absent: Brown, Gatesman
Motion carried. Resolution declared adopted.

Bonnie Wood/Genesee County Road Commission-Torrey/Lahring Traffic Concerns

Supervisor Mathis stated that, due to continuing traffic safety concerns regarding the intersection of Lahring Road and Torrey Road, the Township Board recently invited the Genesee County Road Commission to attend our board meeting to discuss these concerns. Supervisor Mathis introduced Bonnie Wood, Director of Traffic Engineering for the Road Commission, who is here this evening to discuss this issue and answer questions.

Ms. Wood presented plans to construct two turning lanes at this intersection in 2007. Supervisor Mathis stated that she was under the impression that the project was scheduled for this year. Ms. Wood explained that there wasn't enough funding available to complete the project in 2006. Supervisor Mathis asked why the intersection could not be made a 3-way stop. Ms. Wood stated that, according to the criteria they are required to follow, (number of accidents, number of deaths, etc.), the intersection does not warrant a 3-way stop. Clerk Krug stated that it seem ridiculous that the county would spend \$200,000 on turning lanes, when a 3-way stop and/or traffic signal would be much cheaper, especially since the turning lanes will not resolve the existing problems. Ms. Wood stated that the Road Commission is bound by their policies and procedures. Trustee Goupil noted that the Sheriff Department has been called upon for traffic duty at this intersection numerous times due to the congestion.

Ralph Coaster, Lake Fenton School Superintendent, stated that the school paid \$14,000.00 for the Road Commission to do a traffic study for the area. Unfortunately, the study was conducted in August when school was not even in session. He is very concerned about the increased risk for injuries and deaths resulting from traffic accidents, especially since Lake Fenton is the fastest growing school district in Genesee County. Coaster noted that at times he is called upon for traffic duty to direct traffic and relieve congestion.

The board continued to discuss the issue and agreed that something more must be done with this intersection. Clerk Krug stated that he is dismayed by the fact that the number of traffic fatalities is a factor in determining intersection improvements. One is too many. Treasurer Carmody suggested that Road Commission Director John Daly, as well as the Road Commissioners and County Commissioners, need to personally observe the traffic at this intersection at peak times. This will be pursued further.

MEETING MINUTES:

The minutes of the 3/20/06 regular meeting and the 3/27/06 special meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: Carmody

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

PUBLIC HEARINGS:

None

REPORTS:

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Rezoning #R06-001, Karl Jasinski, parcel 06-11-200-024, (2181 North Long Lake Road); R-3 to PUD/2nd Reading

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to rezone property located at 2181 North Long Lake from R-3 to PUD, which was introduced at the 3/20/06 meeting. The subject property is approximately four acres in size (2.9 usable acres). The proposed PUD includes 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. There was no further discussion

Motion to adopt Ordinance No. 658, an amendment to the Zoning Ordinance to rezone parcel 06-11-200-024 from R-3 to PUD, as presented.

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

Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS:

Proposed Sewer Area Plan – Jennings Road/Thompson Road

Supervisor Mathis reminded the board that an amendment to the Sewer System Ordinance was adopted at the 3/6/06 meeting that gives the Township Board authority to adopt sewer area plans. The board reviewed a proposed sewer area plan for the Thompson and Jennings Road region. If adopted, any sewer construction would have to conform to this plan. Trustee Goupil asked if, in the event that sewer is constructed according to this plan, leads would be left for existing properties. Secretary Sharich indicated that leads would indeed be left for each existing parcel. Trustee Zimmer noted that Jennings Road is the boundary for the urban services district. Would leads left for properties on the west side of the road violate that boundary. Secretary Sharich clarified

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that the service boundary is for new development. Leaving individual leads for existing properties would not be a problem.

Motion to adopt the Thompson and Jennings Road Sanitary Sewer Area Plan, as presented.

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

Motion carried.

NEW BUSINESS:

Proposed Amendments – 2006 Budget

The board reviewed proposed amendments to the 2006 budget. Supervisor Mathis, referring to a memo from Office Manager Broecker, highlighted the significant changes in the proposed amendments:

- A \$26,000 increase for the local road improvement projects that were previously approved by the board, (General Fund, Dept. 446, Account 818.000 – Contracted Services).
- A temporary operating transfer of \$250,000 from the Fire Fund to the General Fund and a temporary transfer of up to \$500,000 from the General Fund to the Sewer Fund. As you know the Sewer Fund continues to experience cash flow problems. These temporary transfers will allow the Township to meet current debt payment obligations in a timely manner. It is anticipated that building activity will increase with the arrival of warmer weather and the additional revenues generated will allow these funds will be transferred back to the General Fund and Fire Fund, (with interest), within 2-3 months.

All other proposed budget amendments are relatively minor and there are no significant changes to the projected fund balance in any of the funds.

Trustee Goupil asked what happens if building activity remains slow and connection fee revenue fall short of what is needed. Treasurer Carmody stated that the Township has already met with a financial consultant and contingency plans are being developed.

Motion to adopt amendments to the 2006 Fenton Township Budget as presented.

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

Motion carried.

Final Plat Approval – McCully Lake Estates No. 2

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Supervisor Mathis reminded the board that the Township granted final approval of the preliminary plat of McCully Lake Estates No. 2 at the 3/20/06 meeting. This “re-approval” was being required by the State of Michigan due to changes in the platting process that had taken place since the Township’s original approval. The final step in the process is to now “re-approve” the final plat. The site plan for the project has not changed from the one previously approved by the Township. There was no further discussion.

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

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

Motion carried.

Final Plat Approval – Silver Landings No. 2

Supervisor Mathis reviewed a request from developer Jim Bacon to approval the final plat of Silver Landings No. 2. Similar to the McCully Lake Estates situation, this is a “re-approval” of a plat that was previously approved by the Township. A change in the platting procedure at the State level has necessitated this extra step. The site plan remains unchanged from the version previously approved by the Township Board. There was no further discussion.

Motion to grant final approval for the plat of Silver Landings No. 2, as presented.

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

Motion carried.

GCRC Local Road Improvement Agreement – Fairbanks Road

Supervisor Mathis reviewed a proposed agreement with the Genesee County Road Commission for the limestone resurfacing of Fairbanks Road. This project is being done completely through the Road Commission in order to utilize the 50/50 matching funds available to the Township. The other approved projects will be completed by purchasing the limestone directly from the supplier and contracting with the Road Commission to resurface the roads. Trustee Zimmer asked if ditching would be a part of this project. Treasurer Carmody responded that the ditching would come out of our ditching allotment, but not as part of this particular agreement.

Motion to approve the agreement with the Genesee County Road Commission for the limestone resurfacing of Fairbanks Road, as presented.

Motion by: Carmody
Seconded: Zimmer

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Ayes: Mathis, Krug, Carmody, Zimmer
Nays: Goupil
Absent: Brown, Gatesman

Motion carried.

Resolution No. 2006-10, Local Franchising Authority

The board reviewed a memo from the Michigan Townships Association regarding proposed legislation that would strip away local franchising authority for telecommunications providers. Apparently AT&T is behind the proposed new law. They are trying to avoid the need to negotiate separate franchise agreements with every municipality. They have also indicated that they will pursue high income customers and virtually ignore lower income residents. If the new legislation were to pass, local governments would lose control of the franchise process and potentially lose significant revenues currently generated by franchise agreements. The MTA is urging member townships to adopt a resolution opposing the proposed legislation and supporting the continuation of local control over franchises. Treasurer Carmody stated that this is an attempt to grab funds from local governments. He supports following the recommendation of the MTA.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2006-10

WHEREAS, it is the mission of the Charter Township of Fenton, Genesee County, Michigan to preserve and protect the rights of all its citizens, and

WHEREAS, the existing federal and local cable franchising rules have resulted in \$100 billion investment in advanced telecommunications services nationwide and formed the basis for a national policy of broadband (high-speed internet), and

WHEREAS, the Charter Township of Fenton strongly supports the provisions contained within the federal 1984 Cable Act including the anti-discrimination sections that have ensured against a 19th century world of digital “haves and have-nots” and ensured that Americans of all incomes, races and backgrounds can have equal access to television and broadband service as the information and communication that it provides becomes more essential in our daily lives, and

WHEREAS, the current federal cable law has been effective in ensuring robust build-out of broadband networks and in protecting against cherry-picking of communities, and should be applied to both existing cable providers and new entrants into the cable marketplace, and

WHEREAS, some telecommunications companies that now seek to enter the cable marketplace are attempting to gain a competitive advantage through federal and state preemption of local authority and are seeking to undermine the anti-discrimination and

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build-out requirements that have been a bipartisan cornerstone of our telecommunications laws for decades, and

WHEREAS, these telecommunications companies are attempting to label their service as “video service” to bypass traditional cable laws and regulations, and have encouraged the introduction of legislation in Congress and in various states to attempt to circumvent federal and local regulations, and

*WHEREAS, in Michigan, legislation has been introduced in the House of Representatives, **HB 5895**, and in the Senate, **SB 1157**, that would strip away local cable franchising authority and hand control over to the State of Michigan (Secretary of State), and*

WHEREAS, the Charter Township of Fenton strongly supports competition for telephone, broadband and video services, and recognizes that competition for such services is growing rapidly and encourages that these new competitive services are available to all its citizens, and

WHEREAS, new entrants into the video marketplace face no unreasonable barriers to entry as federal law expressly provides that cable franchises not be exclusive and that local governments have franchised numerous second cable providers throughout the country, and

*WHEREAS, excluding local elected officials from the franchise process, as some telecommunications carriers and **HB 5895** and **SB 1157** suggests, would be harmful to the citizens of Fenton Township who use local franchise rules to ensure that cable services are provided to everyone, that service territory appropriately covers key areas for economic development and public safety and other community needs are met, and*

*WHEREAS, **HB 5895** and **SB 1157** do not permit a build-out requirement which will allow companies entering the cable market to cherry-pick high-value residents only, leaving low-value residents without service, and*

WHEREAS, the Charter Township of Fenton agrees that government policies should not determine winners and losers in the marketplace and thus the rules governing local franchises, including rules regarding build-out of networks, should apply to all cable providers equally, and

*WHEREAS, **HB 5895** and **SB 1157** would drastically limit or abolish the important role of local government franchising and weaken the non-discrimination provisions of the 1984 Cable Act that protects the interests of all citizens and promotes competition;*

*NOW, THEREFORE, BE IT RESOLVED that the Charter Township of Fenton, Genesee County, Michigan, strongly urges the Michigan Legislature to reject **HB 5895** and **SB 1157**, as well as any other legislative proposals that abolish the role of local*

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government franchising and the ability of local governments to protect all citizens, that do not allow for build-out requirements, and that do not ensure that non-discrimination provisions of the 1984 Cable Act are met and promote competition for all its citizens;

BE IT FURTHER RESOLVED, that the Charter Township of Fenton, Genesee County, Michigan supports legislation which promotes competition in broadband and cable services for everyone, recognizes and preserves local community needs, preserves local control over franchising, prohibits redlining and other discriminatory practices, and ensures that any new entrants into the cable market abide by the same standards that current cable, broadband or multichannel video providers live by.

Motion to adopt Resolution No. 2006-10 as presented.

Motion by: Krug

Seconded: Zimmer

Ayes: Mathis, Krug, Carmody, Goupil, Zimmer

Nays: None

Absent: Brown, Gatesman

Motion carried. Resolution declared adopted.

Public Safety Issues (Hunting & Firearms) – Pine Lake

Trustee Goupil stated that, at the request of the Public Safety Committee, the issue of hunting on Pine Lake was placed on the agenda for this meeting to provide residents an opportunity to express their concerns regarding this issue.

Public Comment:

Bob Rider, 5068 Islandview Drive

Mr. Rider's home is approximately 400 feet from the island and he believes that it is not safe to hunt on Pine Lake.

Mike Smith 15495 Whitaker Road

Mr. Smith stated that, with the development of the Pine Lake area over the years, it is no longer a viable hunting location.

Mike Fedio, 4330 Pavilion Drive

Mr. Fedio believes that some areas of Pine Lake are still safe and suitable for hunting and it should be allowed to continue.

John Vitovsky, 15489 Whitaker Road

Mr. Vitovsky stated that he has fielded numerous complaints from lake residents regarding hunting. 97% of residents surveyed are in favor of a hunting ban on Pine Lake.

Supervisor Mathis stated that she has no problem asking the DNR for direction and input on this issue. Trustee Goupil noted that the survey statistics provided by Mr. Vitovsky were that 97% of the residents that responded to the survey supported the hunting ban, although less than 50% of the residents responded at all. He suggested that the opinions

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of the residents that did not respond should also be obtained. Clerk Krug will contact the DNR to determine the best course of action.

It was noted that any ordinance to eliminate or regulate hunting on the lake would have to go through the DNR. The Township Board does not have the authority to enact such an ordinance on their own.

Appointment to Fenton Township Election Commission

Clerk Krug stated that, due to an illness in the family, Trustee Brown's seat on the Election Commission needs to be temporarily filled.

Motion to appoint Trustee Zimmer to the Fenton Township Election Commission to temporarily replace Trustee Brown.

Motion by: Krug

Seconded: Mathis

Ayes: Mathis, Krug, Carmody, Goupil, Zimmer

Nays: None

Absent: Brown, Gatesman

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Tom Richard, 12425 Jennings Road

Regarding the local franchising issue, Mr. Richard asked if the proposed legislation would increase competition for cable television. Treasurer Carmody clarified that the opportunity for competition already exists, however the proposed legislation would take the control away from local governments. Mr. Richard also questioned the house being constructed on the property that was just rezoned at tonight's meeting. Trustee Goupil clarified that the property owner has the right to one building permit before the property is divided.

Dave Franz, 3435 Breezepointe Court

Mr. Franz thanked the board for strongly supporting a 3-way stop at the Lahring/Torrey intersection.

Mike Smith, 15495 Whitaker Road

Mr. Smith stated that he supports traffic signals at Lahring/Torrey and Lahring/Linden intersections. He also asked about the status of the drainage district for Whitaker Road/Pine Lake. Supervisor Mathis stated that she has requested that the Drain Commissioner move forward with the drainage district process.

Dave Hawcroft, 3302 Ponemah Drive

Regarding the Lahring/Torrey intersection, Mr. Hawcroft believes that the construction of turning lanes will, due to visibility problems, create additional traffic problems that we don't have now.

ADJOURN: Meeting adjourned at 10:25 p.m.

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Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 4/4/06