

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JUNE 5, 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, Brown, Goupil, Zimmer, Attorney Cooley and
Office Manager Broecker.

Absent: None

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 6/5/06 Fenton Township Board Meeting agenda as presented.

Motion by: Goupil

Seconded: Brown

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

Trustee Zimmer asked that the reference to the proposed sewer financial plan be changed in the 5/15/06 minutes. She does not believe that the phrase "...the Fenton Township Board has developed two possible approaches to remedy the current financial situation in the Sewer Fund" is correct since only the board officers participated in the actual development of the plan. Supervisor Mathis agreed to clarify that section of the minutes. The minutes of the 5/15/06 regular meeting stand approved as amended. The minutes of the 5/22/06 special meeting and the 5/31/06 workshop meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: Brown

Seconded: Zimmer

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

Proposed Amendment to Existing PUD, Hartland Developers, parcels 06-27-100-004 & 06-27-100-015, (3472 Allen's Landing; located at the end of Ponemah Drive); Public Hearing & 1st Reading

Supervisor Mathis opened a public hearing and first reading of a proposed amendment to the previously adopted PUD rezoning for property located at the end of Ponemah Drive. The amendment involves only a very slight revision, (0.07 of an acre), to the legal description of the property. There are no other changes to the previously approved PUD rezoning. The Planning Commission has conducted a public hearing on the proposed

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amendment and has recommended approval. Mike Kujala, representing the applicant, stated that the purpose of the amendment is simply to straighten out the property line. There was no public comment or further discussion.

The second reading of the proposed amendatory ordinance will be conducted at the 6/19/06 meeting.

Proposed Amendment to Existing PUD, Morris Developers, parcels 06-13-100-007 & 06-12-300-013, (east side of Fenton Road across from Log Cabin Pointe); Public Hearing & 1st Reading

Supervisor Mathis opened a public hearing and first reading of a proposed amendment to the previously adopted PUD rezoning for property located on the east side of Fenton Road, across from Log Cabin Point. The amendment includes a reduction in the maximum number of units from 28 to 21 and adds a requirement to construct a sidewalk across the property, parallel to Fenton Road. There are no other changes to the previously approved PUD rezoning. The Planning Commission has conducted a public hearing on the proposed amendment and has recommended approval. Gary Morris explained that the proposed amendment allows the developer to alleviate elevation problems with the original plan. The “horseshoe” street design is being replaced with a circular road within the development with only one entrance on Fenton Road.

Public Comment:

Tony Rinks, 13044 Fenton Road

Mr. Rinks lives almost directly across from the proposed entrance to this development. He is concerned about traffic safety and the potential for vehicle headlights hitting his home frequently. Mr. Morris responded that the Genesee County Road Commission will determine the necessity for acceleration and/or deceleration lanes to address traffic concerns. Mr. Morris also stated he is willing to provide screening for Mr. Rinks’ property to address the headlight concern.

Supervisor Mathis closed the public hearing. There was no further discussion. The second reading of the proposed amendatory ordinance will be conducted at the 6/19/06 meeting.

Rezoning #R06-004, Robert Pachla, parcels 06-03-300-003 & 06-10-100-018, (south side of Thompson Road east of Jennings Road), AG and/or RMH, R-3 and C-3 to PUD; Public Hearing & 1st Reading

Supervisor Mathis opened a public hearing and first reading for a proposed Zoning Ordinance amendment to rezone property at the intersection of Thompson and Jennings Roads from AG and/or RMH, R-3 and C-3 to PUD. The Planning Commission has conducted a public hearing on the proposed rezoning and has recommended approval.

Applicant Robert Pachla presented an overview of the proposed development, which includes 194 single family detached units, 136 single family attached units, a 100-bed assisted living facility and a commercial plaza along Thompson Road.

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Public Comment:

Diane Smock, 12267 Jennings Road

Ms. Smock stated that her home is very close to a detention pond shown on the conceptual plan. Mr. Pachla clarified that, based on Ms. Smock's comments at the Planning Commission meeting, the pond in question will be relocated away from her property. The plans have not yet been updated.

John Kaye, 11318 Jennings Road

Mr. Kaye is concerned that the access road shown on the plans near Thompson Road is in a blind spot and could create a safety problem. Mr. Pachla stated that the entrance in question would be an emergency access point only.

Doug Lyons, 12125 Jennings Road

Mr. Lyons stated that he is concerned with the potential for light pollution resulting from the proposed development. It was noted that lighting issues will be addressed during the site plan review process.

John Maser, 12126 Jennings Road

Mr. Maser noted that soil conditions near Thompson Road are not ideal for construction and also asked that the development's impact on the Indian Creek Drain be taken into consideration.

Supervisor Mathis closed the public hearing.

Board discussion:

Trustee Zimmer stated that the developers appear to have addressed all of the concerns raised by neighboring property owners. Supervisor Mathis stated that she is pleased with the architectural standards of the proposed project. Trustee Brown asked if all of the homes would be designed like the examples provided. Mr. Pachla confirmed that there will be a variety of designs, but all similar or comparable to the examples provided. Trustee Brown also asked about the size of the homes and the timing of the development. Mr. Pachla explained that both home size and timing will be market driven. He does not anticipate any problem meeting the 5 year deadline imposed by the proposed ordinance.

Trustee Brown also questioned the impact of the existing consent judgment on this proposed rezoning. Attorney Cooley recommended adding an additional condition to the PUD to amend the consent judgment to permit rezoning. The following condition was added to the proposed ordinance:

This amendatory ordinance shall not become effective until twenty-one (21) days after the Consent Judgment affecting the subject property, (approved 12/20/02; Circuit Court Case No. 01-71444-CZ), is amended to permit rezoning of the property.

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There was no further discussion. The second reading of the proposed amendatory ordinance will be conducted at the 6/19/06 meeting.

REPORTS:

Genesee County WWS Capacity Utilization Report

The board briefly reviewed the sanitary sewer capacity utilization report provided by Genesee County Water & Waste Services.

Cable Franchising Update

Treasurer Carmody reported that there is still much activity regarding proposed legislation to remove local control from telecommunications franchising. This would not only cost local governments millions in franchise fees, it would remove all control from the local units and assign it to either the federal or state level. Board members are encouraged to continue voicing their concerns to our legislative representatives to ensure that local control over franchising is maintained.

Public Safety Update

Trustee Goupil reported that the Fire Department rescue squad trucks are getting old and will need to be replaced within 2-3 years. A decision regarding ambulances must also be made soon in order to use grant funds that were awarded to the Township. The Fire Department has also requested an ordinance to require key boxes for all commercial buildings in the township to allow emergency access without having to break down doors.

COMMUNICATIONS:

Special Meeting – 6/19/06

Supervisor Mathis reminded the board that a special meeting has been scheduled for Monday 6/19/06 at 6:30 p.m., just prior to the regular meeting. The special meeting will be a closed session for the purpose of discussing pending litigation.

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

Resolution No. 2006-12, Supporting No-Wake Designation for McCully Lake

Supervisor Mathis noted that the board received a petition from McCully Lake residents at the 5/15/06 meeting to establish their lake as a “no-wake” lake and to restrict the use of motorized watercraft to electric motors only. The DNR must authorize any such ordinance, therefore a resolution has been drafted to request that the DNR conduct a public hearing on the issue. Clerk Krug presented the following resolution:

RESOLUTION NO. 2006-12

WHEREAS, the residents of McCully Lake have petitioned the Fenton Township Board to establish McCully Lake as a “No-Wake” lake, and also to allow only electric motors to be used on the lake, and

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WHEREAS, McCully Lake is approximately 14 acres in size and has a substantial wildlife population, and

WHEREAS, the Charter Township of Fenton Board of Trustees believes that the operation of watercraft on McCully Lake at speeds that generate a wake constitutes a safety hazard to area residents, wildlife and other watercraft on the lake;

THEREFORE BE IT RESOLVED, that the Charter Township of Fenton Board of Trustees hereby petitions the Michigan Department of Natural Resources to conduct a public hearing for the purpose of determining the need for an ordinance to reduce the speed limit on McCully Lake to a slow, no-wake speed, and to restrict the use of motorized watercraft to those with electric motors only.

Motion to adopt Resolution No. 2006-12 as presented.

Motion by: Krug

Seconded: Brown

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

Nays: None

Motion carried. Resolution declared adopted.

Resolution No. 2006-13, Honoring Former Township Trustee Calvin Gatesman

In light of Cal Gatesman's resignation from the Township Board, Supervisor Mathis stated that a resolution has been prepared to honor Mr. Gatesman for his years of service to the Township. Clerk Krug presented the following resolution:

RESOLUTION NO. 2006-13

WHEREAS, Calvin C. Gatesman stepped down from his position on the Fenton Township Board and Planning Commission as of May 15, 2006, and

WHEREAS, Mr. Gatesman has been a resident of Fenton Township for many years, during which time he has contributed greatly to the progress and welfare of the community, most notably as a member of the Fenton Township Board, Fenton Township Planning Commission and the Fenton Township Service Club, and

WHEREAS, Mr. Gatesman served loyally and faithfully as a member of the Fenton Township Planning Commission from 1995 to 2001 and 2003 to 2006, and as a Township Trustee from 2003 to 2006, exhibiting the qualities of vision and leadership throughout his tenure as an elected and appointed official, and

WHEREAS, through his leadership role in the Fenton Township Service Club, Mr. Gatesman was instrumental in many activities that raised funds for law enforcement and fire protection services in Fenton Township;

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THEREFORE BE IT RESOLVED, that the Fenton Township Board of Trustees hereby recognizes Calvin C. Gatesman for his valuable contributions to our community and expresses sincere appreciation and gratitude for his dedicated service to the government and citizens of Fenton Township, 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. Gatesman.

Motion to adopt Resolution No. 2006-13 as presented.

Motion by: Krug

Seconded: Mathis

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

Nays: None

Motion carried. Resolution declared adopted.

NEW BUSINESS:

Resolution No. 2006-14, Proposed Hogan Road Bridge Reconstruction Project

Supervisor Mathis reviewed a letter from the Genesee County Road Commission regarding the Hogan Road bridge over the Shiawassee River. The bridge, which is in poor condition, is eligible for reconstruction under MDOT's Local Bridge program. If approved for funding, the Township's share of the estimated \$500,000 cost would be only \$30,000.00. The Road Commission would like to apply for these funds to be used in 2009, and has asked that the Township Board adopt a resolution to support their application and commit to the Township's share of the funding for 2009.

Public Comment:

Doug Lyons, 12125 Jennings Road

Mr. Lyons claims that much of the damage to the bridge was caused by construction traffic related to the expansion of the sewage treatment plant to provide service to Livingston County. Livingston County should pay for some of the cost.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2006-14

WHEREAS, the Hogan Road bridge over the Shiawassee River is in poor condition due to deterioration of the concrete deck, and

WHEREAS, the bridge is eligible for replacement under the Michigan Department of Transportation, (MDOT), Local Bridge Program, and

WHEREAS, if the Local Bridge Program application is approved for funding by MDOT, Fenton Township's share of the estimated \$500,000.00 project cost would be approximately \$30,000.00;

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THEREFORE BE IT RESOLVED, that the Fenton Township Board of Trustees hereby supports the application of the Genesee County Road Commission to replace the Hogan Road bridge over the Shiawassee River through the MDOT Local Bridge Program in 2009, and

BE IT FINALLY RESOLVED, that the Fenton Township Board of Trustees hereby commits to fund 25% of the local share of the cost of the project, (estimated to be \$30,000.00), in the year 2009, if the application is approved for funding by MDOT.

Motion to adopt Resolution No. 2006-14 as presented.

Motion by: Krug

Seconded: Zimmer

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

Nays: None

Motion carried. Resolution declared adopted.

Request for Extension of Preliminary Plat Final Approval – Byram Ridge

Supervisor Mathis reported that the Township has received a request from the developers of the Byram Ridge subdivision for an extension of their Preliminary Plat approval. Since work on the remaining phases of the subdivision will not start this year, an extension is required in order for them to proceed through the platting process.

Motion to grant a one year extension for the final approval of the Preliminary Plat of Byram Ridge, as presented.

Motion by: Mathis

Seconded: Carmody

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

Nays: None

Motion carried.

Appointment to Fenton Township Board

Supervisor Mathis reported that the Township Board received a total of nine applicants to fill the vacant Trustee position on the Township Board. All candidates were very impressive and every one of them is capable of taking on this position. At a workshop meeting on 5/31/06 the board narrowed the list to three candidates: Dave Franz, Tom Richard and John Tucker. Trustee Brown added that he was very impressed with all of the candidates. Trustee Goupil noted that the board focused their efforts on identifying the individual that would best represent the Township and it's residents.

Supervisor Mathis stated that, after careful consideration, she is recommending that John Tucker be appointed to the Township Board.

Motion to appoint John R. Tucker to the position of Fenton Township Trustee for the unexpired term ending 11/20/08.

Motion by: Mathis

Seconded: Krug

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

Nays: None

Motion carried.

Supervisor Mathis stated that, since Mr. Tucker has been a member of the Planning Commission since 2000, he would be the best selection as the Township Board representative on the Planning Commission.

Motion to appoint John R. Tucker as the Township Board representative on the Fenton Township Planning Commission.

Motion by: Mathis

Seconded: Krug

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

Nays: None

Motion carried.

Appointments to Fenton Township Planning Commission

Supervisor Mathis reported that three seats on the Fenton Township Planning Commission had expired as of 5/31/06. She is in favor of re-appointing Jim Root and Marty Spees to the Planning Commission. Both have done a fine job in this capacity and have indicated a strong desire to continue on the Planning Commission. The third seat was occupied by John Tucker. With Mr. Tucker's appointment to the Township Board, this seat is vacant. After careful consideration, Supervisor Mathis is recommending the appointment of Tom Richard to this seat.

Motion to re-appoint Martin K. Spees to the Fenton Township Planning Commission for the term ending May 31, 2009.

Motion by: Mathis

Seconded: Brown

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

Nays: None

Motion carried.

Motion to re-appoint James V. Root to the Fenton Township Planning Commission for the term ending May 31, 2009.

Motion by: Mathis

Seconded: Krug

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

Nays: None

Motion carried.

Motion to appoint Thomas J. Richard to the Fenton Township Planning Commission for the term ending May 31, 2009.

Motion by: Mathis

Seconded: Brown

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

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Nays: None
Motion carried.

At this point of the meeting Clerk Krug administered the oath of office to new Trustee John Tucker, who then took his seat at the board table.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Bob Langlois, candidate for State Senate and Prudy Adam, candidate for County Commissioner introduced themselves to the Township Board. The board thanked them for their attendance.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft inquired as to the status of the Torrey/Lahring intersection. Supervisor Mathis responded that the traffic study had not yet been completed, but we should receive results soon. Mr. Hawcroft also asked about the status of the Ragnone lawsuit. Attorney Cooley stated that all briefs have been filed and we are waiting for a court date.

Keith McKenna, 13463 Lake Shore Drive

Mr. McKenna stated that he reviewed the sewer improvements spreadsheets and costs and is still concerned with the lack of detail in this information.

Susan Foland, 11421 Fairbanks Road

Ms. Foland expressed her disagreement with the board's decision to place the sewer millage proposal on the August ballot. She does not believe it is fair for property owners that do not have access to sanitary sewer to pay a sewer tax. Supervisor Mathis explained that all properties in the Township benefit from the existence of a properly functioning sewer system. Treasurer Carmody agreed, adding that property values are higher in Fenton Township because we have sanitary sewer. A failing sewer system would likely reduce property values township-wide. Clerk Krug also agreed, noting that the sewers protect the lakes and groundwater, which is a benefit to the entire township. Trustee Goupil added that he feels that putting the issue to a vote is better than not giving any options at all.

John Kaye, 11318 Jennings Road

Mr. Kaye reported that he conducted a random telephone poll of 60 residents in Fenton Township. It is his opinion that all property owners on the sewer system will vote for the millage and all property owners that are not on the sewer system will vote no.

Doug Lyons, 12125 Jennings Road

Mr. Lyons stated that most people can use most of the lakes and shouldn't have to pay to protect them. There needs to be some equity in the sharing of the cost. Clerk Krug pointed out that non-sewer users would only pay the millage levy (if approved). Properties with access to sewer will also be paying a special assessment.

Tom Richard, 12425 Jennings Road

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Mr. Richard asked why the Township did not word the ballot language to indicate “up to 2 mills”. Office Manager Broecker explained that the ballot language must be very specific and, since the Township is asking the voters to increase the Township’s authorized millage, the millage amount must be an exact number, rather than an “up to” number. It was also noted that the Headlee rollback requirement will reduce the millage levy factor by a small amount each year. It was also explained that, if approved, the millage levied in any given year can be lower than the maximum allowable if the entire amount is not needed.

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

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 6/7/06