

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JUNE 19, 2006**

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

Supervisor Mathis called the meeting to order at 7:40 p.m.

Present: Mathis, Krug, Carmody, Brown, Goupil, Tucker, 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 6/19/06 Fenton Township Board Meeting agenda as presented.

Motion by: Brown

Seconded: Tucker

Ayes: All

Nays: None

Motion carried. The agenda is approved.

PRESENTATION:

Plante & Moran, LLP – Financial Report for Fiscal Year Ended December 31, 2005

Supervisor Mathis introduced Tadd Harburn and Brian Ross of Plante & Moran, LLP. Mr. Harburn provided an overview of the government-wide financial statements, which were a new requirement beginning last year under the revised standards of the Government Accounting Standards Board (GASB). These additional financial statements are designed to provide a better global view of the Township's financial condition from a long term perspective. The only operational recommendation resulting from the audit is that the Township adopt a formal credit card policy. The Township uses credit cards for fueling Township vehicles and for occasional purchases at Home Depot. The Township has implemented appropriate control procedures for the use of credit cards, but a formal policy is also recommended. No internal control deficiencies were noted in the review of accounting policies and procedures.

Mr. Ross reviewed the individual fund statements. Areas highlighted included:

- ⇒ Total fund balance in the General Fund was \$441,956, which represents approximately 2½ months of budgeted expenditures. Plante & Moran is recommending that the General Fund balance should not be reduced below its current level and consideration should be given to increasing it to 3-4 months of expenditures, if possible.
- ⇒ General Fund revenues decreased \$60,844 from 2004, due primarily to building permit fees.
- ⇒ General Fund expenditures decreased \$72,345 from 2004, due primarily to CDBG funded projects in 2004, offset somewhat by an increase in local road improvement projects.

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⇒ All Special Revenue Funds, (Fire Protection, Solid Waste and Mosquito Control), are financially stable with adequate fund balances.

Mr. Ross noted that the one area of concern in Fenton Township is the Sewer Fund, which is experiencing critical cash flow problems. Additional revenues will need to be generated in order to meet the Township's debt payment obligations of approximately \$2.5 million per year. He acknowledged that the Township Board is already in the process of implementing a financial plan to generate revenues through special assessments, user rates and a proposed millage levy.

MEETING MINUTES:

The minutes of the 6/5/06 regular meeting and the 6/12/06 workshop meeting stand approved as presented.

EXPENDITURES:

Trustee Zimmer questioned the \$4,495.51 Newkirk Electric invoice. Supervisor Mathis stated that most of this cost was to reconfigure the lighting in the lower level of the Township Hall to eliminate having several lights turned on all the time. Motion to approve expenditures as presented.

Motion by: Brown

Seconded: Carmody

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

Television Broadcast Equipment Update

Treasurer Carmody reported that the TV broadcasting equipment is being installed this week. We hope to be able to begin televising meetings within the next month or two. He feels that the ability to broadcast Township meetings will be a great benefit to the community.

Torrey/Lahring Intersection

Clerk Krug, noting that no action had yet been taken by the Genesee County Road Commission regarding the Torrey/Lahring intersection issue, suggested that the Township Attorney should contact the Road Commission to question why the Township has received no new information.

Motion to direct the Township Attorney to contact the Genesee County Road Commission to obtain an update and determine the status of the Torrey Road/Lahring Road intersection.

Motion by: Krug

Seconded: Brown

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Ayes: Mathis, Krug, Carmody, Brown, Goupil, Tucker, Zimmer
Nays: None
Motion carried.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

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)/2nd Reading

Supervisor Mathis reviewed a proposed amendment to the previously adopted PUD rezoning for property located at the end of Ponemah Drive, which was introduced at the 6/5/06 meeting. 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. There was no further discussion.

Motion to adopt Ordinance No. 659, an amendment to the legal description of the property rezoned by Ordinance No. 649, parcels 06-27-100-004 and 06-27-100-015, as presented.

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

Motion carried. Ordinance declared adopted.

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)/2nd Reading

Supervisor Mathis reviewed a proposed amendment to the previously adopted PUD rezoning for property located on the east side of Fenton Road, across from Log Cabin Point, which was introduced at the 6/5/06 meeting. 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. There was no further discussion.

Motion to adopt Ordinance No. 660, an amendment to the PUD conditions for the property rezoned by Ordinance No. 644, parcels 06-13-100-007 and 06-12-300-013, as presented.

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

Motion carried. Ordinance declared adopted.

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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/2nd Reading

Supervisor Mathis reviewed 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, which was introduced at the 6/5/06 meeting.

Trustee Tucker noted that the proposed PUD development includes density that is higher than called for in the Township's Future Land Use Plan. This is due to the fact that the developers will be required to provide additional infrastructure improvements in the general area of their property, (sanitary sewer, drainage, water system, etc.). Up to this point no attempt has been made to verify the costs of these additional improvements and suggested that the board may want to consider requiring the verification of those costs. Trustee Zimmer asked if such verification should be an additional condition in the rezoning ordinance. After considerable discussion, the board agreed to have the Township Engineer verify that the infrastructure costs provided by the applicant are reasonable and within industry standards. Rather than delay the adoption of the rezoning ordinance any further, the Township will simply delay the publication of the ordinance until that verification has been completed.

It was also noted that, as a part of the first reading, an additional condition was added to the proposed ordinance to require that the consent judgment that exists for the subject property be amended to allow for this proposed rezoning. Attorney Cooley stated that he is already working with the applicant's attorney to amend the consent judgment.

Trustee Brown asked if it would be appropriate for him to request approval from the board to abstain from voting on this issue due to the fact that he lives adjacent to the subject property and has been active in the Fenton Township Residents Association, which has been and is involved in current litigation involving this property. Attorney Cooley stated that this situation may not meet the legal definition of a conflict of interest, but could be perceived as one.

Motion to allow Trustee Brown to abstain from voting on the proposed ordinance to rezone parcels 06-03-300-003 & 06-10-100-018 from AG and/or RMH, R-3 and C-3 to PUD.

Motion by: Carmody

Seconded: Mathis

Ayes: None

Nays: Mathis, Krug, Carmody, Goupil, Tucker, Zimmer

Motion failed.

Motion to adopt Ordinance No. 661, an amendment to Zoning Ordinance No. 594 to rezone parcels 06-03-300-003 and 06-10-100-018 from AG and/or RMH, R-3 and C-3 to PUD, as presented.

Motion by: Brown

Seconded: Carmody

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Ayes: Mathis, Krug, Carmody, Brown, Goupil, Tucker, Zimmer
Nays: None

Motion carried. Ordinance declared adopted.

Proposed Grading Ordinance/1st Reading

Supervisor Mathis introduced a proposed ordinance to require grading plans for all new construction in the Township. There have been many instances in recent years of new homes being constructed and the property graded in a manner that results in drainage onto adjacent properties. This ordinance will give the Township the authority to make sure all property is graded appropriately. There was no public comment.

The second reading of the proposed ordinance will be conducted at the 7/10/06 meeting.

Amendment to Zoning Ordinance – Conditional Rezoning/1st Reading

Supervisor Mathis introduced a proposed amendment to the Zoning Ordinance to add provisions for conditional rezoning of property. The Planning Commission has conducted a public hearing on the proposed amendment and has recommended approval. Trustee Tucker reported that this new section is in response to a recent change in Michigan law that allows developers to approach local government with conditions that can be applied to a rezoning request. There was no public comment.

The second reading of the proposed ordinance will be conducted at the 7/10/06 meeting.

Amendment to Zoning Ordinance – Special Use Permits/1st Reading

Supervisor Mathis introduced a proposed amendment to the Zoning Ordinance to correct reference language regarding special use permits. The Planning Commission has conducted a public hearing on the proposed amendment and has recommended approval. Trustee Tucker clarified that an incorrect reference was included in several sections of the Zoning Ordinance. This amendment simply corrects those errors. There was no public comment.

The second reading of the proposed ordinance will be conducted at the 7/10/06 meeting.

Amendment to Zoning Ordinance – Definitions/1st Reading

Supervisor Mathis introduced a proposed amendment to the Zoning Ordinance to add a definition for “Barrier” and to revise the definition of “Lot width”. The Planning Commission has conducted a public hearing on the proposed amendment and has recommended approval. Trustee Tucker reported that the definition for “Barrier” is based on an interpretation adopted by the Fenton Township Zoning Board of Appeals. The insertion of the word *continuous* into the definition for “Lot Width” eliminates the combination of non-continuous lot lines to meet lot width requirements. There was no public comment.

The second reading of the proposed ordinance will be conducted at the 7/10/06 meeting.

Amendment to Zoning Ordinance – Off Street Parking Requirements /1st Reading

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Supervisor Mathis introduced a proposed amendment to the Zoning Ordinance to revise off-street parking requirements for bars, cocktail lounges, taverns & nightclubs and conventional restaurants. The Planning Commission has conducted a public hearing on the proposed amendment and has recommended approval. Trustee Tucker stated that the current off-street parking requirements for restaurants is different than the requirement for bars, cocktail lounges and taverns, even though both uses are very similar. The intent of the amendment is to make the off-street parking requirements the same for both uses. There was no public comment.

The second reading of the proposed ordinance will be conducted at the 7/10/06 meeting.

Amendment to Zoning Ordinance – Zoning of Freeways/Expressways /1st Reading

Supervisor Mathis introduced a proposed amendment to the Zoning Ordinance to clarify the zoning district determination for freeways and expressways. The Planning Commission has conducted a public hearing on the proposed amendment and has recommended approval. Trustee Tucker explained that the purpose of the proposed amendment is to apply a zoning classification to freeways and expressways, which are currently considered “unzoned” under our current ordinance. There was no public comment.

The second reading of the proposed ordinance will be conducted at the 7/10/06 meeting.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Request for Temporary Signs – Linden Summer Happening

Supervisor Mathis reviewed a request from the organizers of the Linden Summer Happening to place temporary signs advertising their event. If approved there would be three signs located at 1) Linden Road just south of Lahring, 2) Silver Lake Road just west of the Linden city limits and 3) Linden Road at the end of Owen Road.

Motion to approve the placement of temporary signs for the Linden Summer Happening, as requested.

Motion by: Zimmer

Seconded: Carmody

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

Nays: None

Motion carried.

Tentative Approval – Preliminary Plat of Hunters Pointe

Supervisor Mathis reported that the developers of the Hunters Pointe subdivision, (Lahring Road just west of Linden Road), have made application for tentative approval of

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their Preliminary Plat. The Planning Commission has reviewed the plans and has recommended approval.

Motion to grant tentative approval for the Preliminary Plat of Hunters Pointe, as presented.

Motion by: Carmody

Seconded: Goupil

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

Nays: None

Motion carried.

Resolution No. 2006-15, National Incident Management System

Supervisor Mathis reviewed a letter from Genesee County Emergency Management regarding the National Incident Management System (NIMS). All local communities are being encouraged to adopt NIMS by resolution in order to create consistent response protocols for emergency situations, whether they are local, state-wide or nationwide. Adoption of NIMS also makes the Township eligible for certain grant programs.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2006-15

WHEREAS, the Township Board of the Charter Township of Fenton, Genesee County, Michigan does hereby find as follows:

WHEREAS, the President in Homeland Security Directive (HSPS)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State and local governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity, and

WHEREAS, the collective input and guidance from all Federal, State and local homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS, and

WHEREAS, it is necessary and desirable that all Federal, State and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management, and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State and local organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters, and

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WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the Township's ability to utilize federal funding to enhance local agency readiness, maintain first responder safety and streamline incident management processes, and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various township incident management activities, including current emergency management training programs, and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended the adoption of a standardized Incident Command System;

NOW, THEREFORE, BE IT RESOLVED by the Charter Township of Fenton that we, the members of the Township Board, endorse and do hereby establish the National Incident Management System (NIMS) as the standard for incident management by the Charter Township of Fenton.

Motion to adopt Resolution No. 2006-15 as presented.

Motion by: Krug

Seconded: Brown

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

Nays: None

Motion carried. Resolution declared adopted.

Proposed Request for Proposals, Trash Collection Service

Office Manager Broecker reviewed a proposed *Request for Proposals* (RFP) for trash collection service. Although the current contract with Great Lakes Waste runs through the end of 2007, the special assessment is up for renewal on the November 2006 ballot. The last contract was awarded for five years in order to eliminate the difficult timing of placing the results of a November ballot proposal on the December tax bills in the same year. That does create, however, the possibility of a "lame duck" service provider if our current provider is not awarded the 2008-2010 contract. Clerk Krug pointed out that our current contract does contain a termination clause that could be invoked by the Township if service problems develop. Treasurer Carmody suggested that the Township may get better pricing if we could join forces with the City of Fenton and/or City of Linden to negotiate a joint contract. It was noted that Fenton recently awarded a new contract but the concept of a joint contract will be explored for future potential.

Motion to approve the solicitation of residential trash collection services through the *Request for Proposals* document, as presented.

Motion by: Carmody

Seconded: Brown

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

Nays: None

Motion carried.

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Fenton Township Board – Committee Appointments

Supervisor Mathis noted that, with the recent addition of John Tucker to the Township Board, the various committee appointments need to be re-approved. The board reviewed the following list:

Internal Committees/Appointments

Planning Commission

John R. Tucker

Zoning Board of Appeals

Mark A. Goupil

Election Commission

Robert E. Krug, Chair

Tony L. Brown

John R. Tucker

Fence Viewer

Robert E. Krug

Public Safety Committee (Police & Fire)

Mark A. Goupil, Chair

Robert E. Krug

Tony L. Brown

Building & Facilities Committee

Bonnie K. Mathis

Robert E. Krug

John R. Tucker

Parks & Recreation Committee

Robert E. Krug - Chair

Tony L. Brown

Mark A. Goupil

Personnel Committee

Bonnie K. Mathis - Chair

Robert E. Krug

Patrick J. Carmody

Thomas R. Broecker

Sanitary Sewer Committee

Bonnie K. Mathis

Patrick J. Carmody

Lorraine M. Zimmer

External Committees/Appointments

Fenton Area Cable TV Consortium

Patrick J. Carmody

Lorraine M. Zimmer (alternate)

Loose Senior Citizen Center

Lorraine M. Zimmer

Genesee County Metropolitan Alliance

Robert E. Krug

Vacant (citizen representative)

**Genesee County WWS Advisory
Committee**

Bonnie K. Mathis

**Genesee County SWM Advisory
Committee**

Bonnie K. Mathis

**Genesee County Roads & Bridges
Advisory Committee**

Bonnie K. Mathis

Genesee County 911 Consortium

Bonnie K. Mathis

Mark A. Goupil

Fire Chief John Moulton

**Partnership for Saginaw Bay
Watershed**

Lorraine M. Zimmer

Flint River Watershed Committee

Bonnie K. Mathis

Lorraine M. Zimmer

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Emergency Management Director

Bonnie K. Mathis
Fire Chief John Moulton
Mark A. Goupil (Alternate)

School District Liaison
Robert E. Krug
Patrick J. Carmody (Alternate)

Motion to approve the Fenton Township Board Committee Appointments as presented.

Motion by: Mathis

Seconded: Krug

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

Nays: None

Motion carried.

Election Commission Meeting – Monday 7/10/06, 7:00 p.m.

Clerk Krug announced that an Election Commission meeting has been scheduled for 7:00 p.m. on Monday 7/10/06, (prior to regular board meeting), to appoint election inspectors for the 8/8/06 Primary Election.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

None

ADJOURN: Meeting adjourned at 9:30 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 6/20/06