

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JULY 10, 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, 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 7/10/06 Fenton Township Board Meeting agenda as presented.

Motion by: Carmody

Seconded: Brown

Ayes: All

Nays: None

Motion carried. The agenda is approved.

PRESENTATION:

Supervisor Mathis introduced Patsy Lou Williamson, candidate for State Senate, 27th District. Ms. Williamson thanked the board for the opportunity to appear at tonight's meeting. She stated that she is seeking the 27th District seat in the Michigan Senate, and, if elected, she will work hard for the people, focusing on jobs, youth programs and senior programs. She will not be influenced by lobbyists or special interest groups. The board thanked Ms. Williamson for her visit.

MEETING MINUTES:

The minutes of the 6/19/06 regular meeting stand approved as presented.

EXPENDITURES:

Trustee Zimmer questioned the invoice from the Genesee County Road Commission for the paving of Lobdell Road. Office Manager Broecker stated that the paving of Lobdell Road was financed by the sale of bonds. This invoice represents our annual payment on that bond. Trustee Brown questioned the payment to Lake Fenton Schools for sewer fee adjustments. Clerk Krug responded that this payment is the end result of lengthy research of billing problems that occurred through incorrect meter readings at two of Lake Fenton's facilities over a number of years. The school district had delayed accepting this settlement because of its potential impact on their lawsuit with the Genesee County Drain Commissioner. Lake Fenton has since withdrawn from that litigation and is prepared to accept this payment to settle the matter. Motion to approve expenditures as presented.

Motion by: Brown

Seconded: Zimmer

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

Nays: None

Motion carried.

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PUBLIC HEARINGS:

None

REPORTS:

Ordinance Enforcement Quarterly Report

The board briefly reviewed the second quarter report from Ordinance Enforcement Officer Robert Atkinson.

Lake Fenton Activities

Trustee Goupil reported that increased enforcement efforts resulted in three arrests on Lake Fenton over the July 4th holiday period. Overall, however, there were fewer reported problems as the majority of people on the lake were better behaved than in previous years.

Cooperative Purchasing

Trustee Brown distributed documents regarding the concept of collective purchasing efforts. He believes the board should consider, where feasible, the coordination of the purchase of goods and services with other communities in order to save costs. This issue will be discussed at the next workshop meeting.

After a brief discussion, the board agreed to schedule a workshop meeting for Monday 8/14/06, beginning at 7:00 p.m.

Ambulance Service

Trustee Goupil reported that the current ambulance service contract with Regional EMS will expire in August. Other service providers will be interviewed to determine if it would be in the best interests of the Township to contract with a different firm.

“Team Josh” Update

Trustee Zimmer reported that the project to rebuild a handicap-accessible home for Josh Knapp and his family has been completed. As one of the organizers she expressed gratitude to the many individuals and businesses that contributed to the success of this project.

COMMUNICATIONS:

GCRC Update – Torrey/Lahring Road Intersection

Supervisor Mathis reviewed a letter from the Genesee County Road Commission regarding the traffic control improvements for the Torrey/Lahring intersection. The beacon flasher signal has been built and is ready to be installed. The County is waiting for Consumers Energy to install the necessary poles before the project can be completed.

ADOPTION OF ORDINANCES:

Proposed Grading Ordinance/2nd Reading

Supervisor Mathis reviewed a proposed ordinance to require grading plans for all new construction in the Township, which was introduced at the 6/19/06 meeting. There have

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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 further discussion.

Motion to adopt Ordinance No. 662, an ordinance to regulate the grading of property, as presented.

Motion by: Brown

Seconded: Carmody

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

Nays: None

Motion carried. Ordinance declared adopted.

Amendment to Zoning Ordinance – Conditional Rezoning/2nd Reading

Supervisor Mathis reviewed a proposed amendment to the Zoning Ordinance to add provisions for conditional rezoning of property, which was introduced at the 6/19/06 meeting. The Planning Commission has recommended approval of the amendment, which was developed 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 further discussion.

Motion to adopt Ordinance No. 663, an amendment to the Zoning Ordinance to add provisions for conditional rezoning, as presented.

Motion by: Carmody

Seconded: Tucker

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

Nays: None

Motion carried. Ordinance declared adopted.

Amendment to Zoning Ordinance – Special Use Permits/2nd Reading

Supervisor Mathis reviewed a proposed amendment to the Zoning Ordinance to correct reference language regarding special use permits, which was introduced at the 6/19/06 meeting. The Planning Commission has recommended approval of the amendment, which corrects incorrect references in several sections of the Zoning Ordinance. There was no further discussion.

Motion to adopt Ordinance No. 664, an amendment to the Zoning Ordinance to correct reference language regarding special use permits, as presented.

Motion by: Brown

Seconded: Zimmer

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

Nays: None

Motion carried. Ordinance declared adopted.

Amendment to Zoning Ordinance – Definitions/2nd Reading

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Supervisor Mathis reviewed a proposed amendment to the Zoning Ordinance to add a definition for “Barrier” and to revise the definition of “Lot width”, which was introduced at the 6/19/06 meeting. The Planning Commission has recommended approval of the amendment. It was noted that the definition for “Barrier” is based on an interpretation adopted by the Fenton Township Zoning Board of Appeals, and 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 further discussion.

Motion to adopt Ordinance No. 665, an amendment to the Zoning Ordinance to add a definition for “Barrier” and to revise the definition of “Lot width”, as presented.

Motion by: Tucker

Seconded: Brown

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

Nays: None

Motion carried. Ordinance declared adopted.

Amendment to Zoning Ordinance – Off Street Parking Requirements/2nd Reading

Supervisor Mathis reviewed a proposed amendment to the Zoning Ordinance to clarify provisions regarding the parking of commercial vehicles in residential districts and to revise off-street parking requirements for bars, cocktail lounges, taverns & nightclubs and conventional restaurants, which was introduced at the 6/19/06 meeting. The Planning Commission has recommended approval of the amendment. Trustee Tucker stated that the revision to the commercial vehicle language was based on issues raised through enforcement of the existing ordinance. It was also noted that 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.

Trustee Brown expressed concern with the provisions regarding parking of commercial vehicles on residential lots. He believes that this may negatively impact a family’s livelihood and asked that the Planning Commission re-visit this section of the Zoning Ordinance. Trustee Tucker noted that the language changes are for clarification purposes and do not represent a fundamental change in the ordinance. He will, however, add the *Parking Requirements* section of the Zoning Ordinance to the list of ordinances to be reviewed by the Planning Commission.

Motion to adopt Ordinance No. 666, an amendment to the Zoning Ordinance to revise off-street parking requirements for bars, cocktail lounges, taverns & nightclubs and conventional restaurants, as presented.

Motion by: Brown

Seconded: Carmody

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

Nays: None

Motion carried. Ordinance declared adopted.

Amendment to Zoning Ordinance – Zoning of Freeways/Expressways/2nd Reading

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Supervisor Mathis reviewed a proposed amendment to the Zoning Ordinance to clarify the zoning district determination for freeways and expressways, which was introduced at the 6/19/06 meeting. The Planning Commission has recommended approval of the amendment, which applies a zoning classification to freeways and expressways, which are considered “unzoned” under our current ordinance. There was no further discussion.

Motion to adopt Ordinance No. 667, an amendment to the Zoning Ordinance to clarify the zoning district determination for freeways and expressways, as presented.

Motion by: Tucker

Seconded: Brown

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

Nays: None

Motion carried. Ordinance declared adopted.

Amendment to Zoning Ordinance – Michigan Zoning Enabling Act /1st Reading

Supervisor Mathis introduced a proposed amendment to the Zoning Ordinance to change statutory references from the Township Zoning Act to the newly enacted Michigan Zoning Enabling Act. The Planning Commission has conducted a public hearing on the proposed amendment and has recommended approval. Trustee Tucker noted that cities, townships and counties used to be under separate zoning enabling statutes. The new law consolidates the requirements for all forms of government under a single statute. While there are some changes affecting townships, the new law was based primarily on the old Township statute. There was no public comment.

The second reading of the proposed ordinance will be conducted at the 7/24/06 meeting.

Amendment to Zoning Ordinance – PUD Conceptual Plans/1st Reading

Supervisor Mathis introduced a proposed amendment to the Zoning Ordinance to remove the time limits for PUD projects to move through the planning phases. The Planning Commission has conducted a public hearing on the proposed amendment and has recommended approval. Trustee Tucker noted that this change will allow the Township to treat PUD projects the same as other types of site plans. There was no public comment.

The second reading of the proposed ordinance will be conducted at the 7/24/06 meeting.

Amendment to Zoning Ordinance – Site Plan Approval Standards/1st Reading

Supervisor Mathis introduced a proposed amendment to the Zoning Ordinance to revise language relating to the construction of sidewalks in new developments. The Planning Commission has conducted a public hearing on the proposed amendment and has recommended approval. Trustee Tucker stated that it is the goal of the Planning Commission to always require sidewalks along main roads in order to one day have connecting non-motorized pathways for walking, biking, etc. There was no public comment.

The second reading of the proposed ordinance will be conducted at the 7/24/06 meeting.

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Amendment to Zoning Ordinance – Sump Pumps/1st Reading

Supervisor Mathis introduced a proposed amendment to the Zoning Ordinance to revise provisions relating to sump pumps. The Planning Commission has conducted a public hearing on the proposed amendment and has recommended approval. Trustee Tucker stated that the revised language has been expanded to include a list of permissible methods of sump pump water disposal. There was no public comment.

The second reading of the proposed ordinance will be conducted at the 7/24/06 meeting.

Amendment to Zoning Ordinance – Non-Conforming Lots of Record/1st Reading

Supervisor Mathis introduced a proposed amendment to the Zoning Ordinance to add a definition for “Zoning lot” and to revise the provisions for non-conforming lots of record. The Planning Commission has conducted a public hearing on the proposed amendment and has recommended approval. Trustee Tucker stated that the intent of the amendment is to prevent the division of parcels made up of one or more platted lots unless the dimensional requirements of the Zoning Ordinance are met.

Public Comment:

Beth Redmond, Fenton Township Assessor

Ms. Redmond expressed concern that this amendment will affect the lot split procedures administered by her department. She asked that these types of changes be discussed with the Assessor’s Department before implementation.

The second reading of the proposed ordinance will be conducted at the 7/24/06 meeting.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Request for Water Service from City of Linden

Supervisor Mathis reported that a Fenton Township resident, whose property is adjacent to the Linden City border, has requested permission to seek access to public water through the City of Linden for his home and a home being built by his son on an adjacent lot, due to the high iron content in his well water. A franchise agreement approved by the Township, the City of Linden and the property owners would be required to allow such an arrangement. Several such franchise agreements for properties in this area already exist for sewer and/or water. If the consensus of the board is to move forward with a franchise agreement, the appropriate document can be drafted and presented at the next township board meeting.

Treasurer Carmody expressed great concern over this issue due to the potential legal problems it may present. He is opposed to this type of agreement because of the precedent it could set. Trustee Zimmer agreed, adding that this property owner’s water problems are no different than those of most property owners throughout Fenton Township. Trustee Brown also noted that high iron content in drinking water is not a health issue.

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Based on the discussions of the board, a franchise agreement will not be presented for consideration.

Proposed Revisions to Fenton Township Fee Schedule

Office Manager Broecker reviewed proposed changes to the Township's fee schedule. The significant changes are:

- The addition of fees related to the Grading Ordinance adopted this evening.
- An increase to sewer use fees to accommodate the increase to the fees charged to the Township by Genesee County.

Treasurer Carmody suggested that the fees that pass on actual costs from consultants to the applicant be changed so that the Township may add an upcharge to such costs. The appropriate fee categories will be changed to reflect this approach.

Motion to adopt revisions to the Fenton Township Schedule of Fees as revised.

Motion by: Brown

Seconded: Krug

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

Nays: None

Motion carried.

Proposed Credit Card Policy

Office Manager Broecker reviewed a proposed policy regarding the use of Township credit cards. This policy was drafted in response to the auditor's recommendation to formally adopt a credit card policy. During the Township's audit it was noted that proper credit card procedures had been established and were being followed. A formal policy is the only missing requirement.

Motion to adopt the Fenton Township Credit Card Policy as presented.

Motion by: Krug

Seconded: Goupil

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

Nays: None

Motion carried.

Proposed 2nd Quarter Budget Amendments

Office Manager Broecker reviewed proposed amendments to the 2006 Fenton Township Budget. In the General Fund, the fee revenue from building permits is projected to fall short of the original budget. To offset this reduction, the budgets for several expense categories throughout the General Fund have been reduced. Proposed changes in the other funds are relatively minor.

Treasurer Carmody noted that the cost of provided fire protection services to part of Tyrone Township has been increasing due to gasoline prices and wear & tear on vehicles.

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The contract should be reviewed to see if we have the opportunity to review charges. It was noted that the agreement has built-in annual increases to the cost per run.

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

Motion by: Carmody

Seconded: Zimmer

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

Nays: None

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Paul Sharp, 4425 Thompson Road

Mr. Sharp expressed concerns over the number and speed of gravel trucks traveling on Thompson Road, and their impact on the condition of the road. Supervisor Mathis stated that she will arrange more police patrols of that area.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked if there are any updates on the Marine Patrol activities for this year. Trustee Goupil stated that he would obtain statistical reports from that department. Mr. Hawcroft also asked about the status of the mobile homes in the Lake Ponemah Mobile Home Park. Supervisor Mathis stated that, of the five mobile homes identified in 2004, 2 were removed and three were refurbished to a usable condition. Follow-up inspections will be conducted. Mr. Hawcroft also stated concern regarding the outdoor music at the Tee Bonz restaurant over the July 4th holiday. Trustee Tucker noted that the restaurant has a Special Use Permit for outdoor music. Any problems or complaints should be reported to the Township as this permit is up for renewal each year.

Judy Lytle, 12151 Boldrey Drive

Ms. Lytle expressed concern and opposition to the sewer rate increases. The board noted that the fee increase is just a portion of the issues being dealt with by the board regarding the sanitary sewer system, which have been discussed in detail at previous board meetings. It was suggested that, if she would like more information, Ms. Lytle could stop by the township office to learn more about this issue.

Susan Foland, 11421 Fairbanks Road

Ms. Foland stated that low attendance at township board meetings doesn't necessarily mean there is a low level of interest among the residents. Some people are simply unable to attend the meeting for a number of different reasons. Treasurer Carmody noted that the ability to broadcast meetings, which will hopefully begin within the next few months, will give those people an opportunity to stay more current on township issues.

Ms. Foland also commended "Team Josh" for their efforts. This project was a wonderful effort.

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

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Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 7/12/06