

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JANUARY 22, 2007**

**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
Operations Manager Broecker.

Absent: Tucker (arrived 7:42 p.m.)

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 1/22/07 Fenton Township Board Meeting agenda as presented.

Motion by: Brown

Seconded: Zimmer

Ayes: All Present

Nays: None

Absent: Tucker

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 1/8/07 regular meeting, the 1/10/07 special meeting and the 1/15/07 special meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: Carmody

Seconded: Zimmer

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

Nays: None

Absent: Tucker

Motion carried.

PUBLIC HEARINGS:

Public Hearing – 2007 Local Road Improvement Projects

Supervisor Mathis opened a public hearing to gather citizen input regarding potential local road improvement projects in 2007.

Public Comment:

The following individuals addressed the board regarding potential road projects and/or improvements:

Cheryl Clark, 12177 Dalhart Drive

Ted Goupil, 14166 Eastview Drive

Tom Richard, 12425 Jennings Road

Gerald Bedell, 11270 Odell Road

Joseph Szabo, 12139 Dalhart Drive

Bryon Rhoades, 13530 Fenton Road

The roads suggested for improvement included:

Dalhart Drive

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North Road
Torrey Beach Drive
Jennings Road from Lahring Road past the Lake Fenton High School entrance
Odell/Thompson triangle west of Linden Road

It was noted that North Road is a primary road and Dalhart & Torrey Beach Drives are residential streets and not local roads. Supervisor Mathis will contact the Genesee County Road Commission (GCRC) to follow up on drainage concerns on Dalhart Drive

There was also a question regarding the status of the project to widen Fenton Road. Supervisor Mathis will follow up with the GCRC to obtain updated information.

Trustee Zimmer noted that the list of local roads provided indicates that some roads have never been improved. It was clarified that some roads, such as Gage Road and parts of Hogan Road, are township line roads and maintained by the neighboring communities. Trustee Zimmer also recalled that Genesee County WWS was supposed to maintain Hogan Road near the treatment plant due to the heavy volume of traffic in and out of the sewage treatment plant. This will be researched further.

The information obtained at this meeting will be combined with input from the Genesee County Road Commission to come up with a list of recommended projects for 2007, which will be brought back to the board for approval at a future meeting.

REPORTS:

McCully Lake Association

Supervisor Mathis read a letter from the McCully Lake Preservation organization thanking the Township Board for their efforts in getting the no wake/electric motor only ordinance adopted for McCully Lake.

Planning Commission Update

Trustee Tucker reported that the Planning Commission is scheduling special meetings to continue working on various ordinance amendments. Board members that have issues to be included in the review process should submit them to the Planning Commission. The first meeting is scheduled for 1/30/07 and will be used to prioritize the various issues, (i.e. updated wetland ordinance, revised cell tower provisions, parking requirements, etc.)

MTA Genesee County Chapter Meeting

Supervisor Mathis again reminded the board that Fenton Township will be hosting the Genesee County Chapter MTA meeting on Thursday 2/15/07 at 7:00 p.m. All Township Board members are expected to attend if at all possible.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

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Lot Split #LS06-001, Vance Vowell, division of platted lot #12 of Log Cabin Pt. Annex, parcel 06-13-502-006, located on the southwest corner of Fenton & Log Cabin Pt.

Supervisor Mathis reviewed a proposed division of a platted lot at the corner of Fenton Road and Log Cabin Point, which was postponed at the 1/8/07 meeting. The applicant had originally requested four splits, however the Planning Commission has recommended three. The applicant verbally agreed to the three divisions at the last meeting and it was postponed so a revised survey could be provided. It was noted that a petition opposing the lot split had been submitted by neighboring residents, along with a letter of opposition from residents Roy and Mary Vreeland.

Applicant Vance Vowell stated that it is his intention to initially build a home on one of the three parcels, eventually selling it and building on the others.

Trustee Zimmer stated that she opposes the lot split. It would change the look of the neighborhood and set a bad precedent.

Trustee Tucker responded that approving the split would not likely set a precedent as there are very few large platted lots in our township. He added that Mr. Vowell has been very receptive to suggestions by the Planning Commission and Township Board.

Clerk Krug noted that Mr. Vowell's revised request for three lots was based on direction provided by the Township Board.

Public Comment:

The following individuals spoke in opposition to the proposed lot split:

Brian Slater, 1499 Log Cabin Point
Kevin Collins, 1515 Log Cabin Point

Their concerns/objections included:

- The proposed splits do not conform to the existing neighborhood.
- Flooding problems in the neighborhood.

Supervisor Mathis clarified that the pond on Mr. Vowell's property is not the cause of the flooding problems. The area around Lakeside Landing has had significant flooding problems in the last year or so. This flooding has expanded to include the back portions of the properties on Log Cabin Point. The cause of the flooding has not yet been determined.

Treasurer Carmody acknowledged that the applicant has rights but so do the neighbors. He is very concerned about the flooding issue.

Supervisor Mathis asked Mr. Vowell if he would consider two splits instead of three. Mr. Vowell responded that he checked into the number of available splits, sewer availability and the number of driveways that the GCRC would approve before he purchased the property. He does not wish to change his request at this time.

Motion to approve the division of parcel 06-13-502-006 as presented.

Motion by: Krug

Seconded: Carmody

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Ayes: Krug, Goupil, Tucker
Nays: Mathis, Carmody, Brown, Zimmer
Motion failed. The lot split is denied.

Fenton Lakes Sportsman's Club Issues

Supervisor Mathis noted that, at the last township board meeting, safety issues were raised by residents that live near the Fenton Lakes Sportsman's Club (FLSC). A follow-up meeting was held on 1/10/07 to discuss these issues further.

Marla Lekarczyk, President of the FLSC, stated that the club has sought the advice of their legal counsel and will be prepared to submit a proposal by 1/29/07. She also invited the board members to visit their facility to observe first-hand the layout, operation and safety protocols at the club.

Clerk Krug stated that he has recently spent time at the FLSC and that the improvements made at the facility have been accurately represented by the FLSC officials. He also referenced a consent judgment from 1995, which outlined a number of steps that the FLSC had to follow to bring their facility into compliance. The one requirement that seems to be missing is the bullet catcher on top of the berm.

Ms. Lekarczyk stated that a bullet catcher is a part of their long-term plan but there is currently no target date for installation. It is her understanding that the bullet catcher is not required unless "practical" training is conducted at the range. This type of training is not permitted at FLSC.

Clerk Krug suggested another meeting between the Township, FLSC and attorneys to continue toward a solution. He also suggested that the FLSC consider shutting down the 50 yard range until the issue is resolved.

The meeting was recessed at 9:25 p.m.

The meeting reconvened at 9:35 p.m.

Public Comment:

Todd Somsy, 1285 Victoria Lane

Mr. Somsy stated that Michigan law does give the Township some authority over shooting ranges for safety issues. Attorney Cooley confirmed that this is true, however as long as the FLSC is willing to work with the Township, we should stay focused on the provisions of the consent judgment.

Mark Crowley, 1263 Victoria Lane

Mr. Crowley stated that he is still very concerned about safety and believes the Township will be held liable for any incidents resulting from the continued use of the shooting range. He is also concerned about the amount of police training that is conducted at the FLSC. Attorney Cooley suggested that Mr. Crowley also take these concerns directly to the FLSC board of directors.

Scott Beck, 1297 Victoria Lane

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Mr. Beck is also concerned about safety. He doesn't mind the concept of a sportsman's club near his property but he believes the addition of police training activities goes beyond a sportsman's club. The Township should put safety first.

Tom Richard, 12425 Jennings Road

Mr. Richard stated opposition to the use of the shooting ranges by police departments. That is not appropriate so close to residential properties.

After a brief discussion the board agreed to meet again with FLSC representatives on Friday 1/26/07 at 7:00 p.m. Ms. Lekarczyk stated that the FLSC will close the 50 yard shooting range until that meeting.

NEW BUSINESS:

Ambulance Service Agreement

Supervisor Mathis stated that the ambulance service issue has been the subject of a lengthy review process by the Township Board. The Township has also discussed these issues with our neighboring communities. What is now being proposed is a 3-year agreement with Patriot Ambulance Service to provide ambulance service to Fenton Township.

Trustee Tucker suggested in the insertion of the word "gross" in front of the word "negligence" in Section 13 of the proposed agreement.

Clerk Krug suggested that Patriot should contact the Fenton Township Fire Department as soon as possible to work out the logistics of moving into the fire station.

It was subsequently determined that the proposed effective date of 2/1/07 could not be realized due to the notification requirements for 911 Central Dispatch. Therefore the effective date will be 2/12/07.

Motion to approve the ambulance service agreement with Patriot Ambulance Service as revised.

Motion by: Brown

Seconded: Goupil

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

Nays: None

Motion carried.

Proposed Summer Tax Collection Agreements – Linden, Fenton & Genesee Intermediate School Districts

Supervisor Mathis reported that Linden Schools has again requested that the Township collect 50% of their property tax millage in the summer. Fenton Schools has also requested that the Township collect their non-homestead taxes this summer. The Genesee Intermediate School District, by policy, will levy 50% of their millages in the Linden School District only. Proposed agreements have been prepared for board approval. The agreements are identical to the ones approved in previous years.

Motion to approve the 2007 Summer Tax Collection Agreement between Fenton Township and the Linden Community School District as presented.

Motion by: Brown

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

Motion carried.

Motion to approve the 2007 Summer Tax Collection Agreement between Fenton Township and the Fenton Area Public School District as presented.

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

Motion carried.

Motion to approve the 2007 Summer Tax Collection Agreement between Fenton Township and the Genesee Intermediate School District as presented.

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

Motion carried.

Resolution No. 2007-03, Consumers Energy Street Light Changes

Operations Manager Broecker reported that Consumers Energy requires an annual resolution to authorize the Township Supervisor and Clerk to approve changes to the Township's street lighting contract. Clerk Krug presented the following resolution:

RESOLUTION NO. 2007-03

BE IT RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the street lighting service as provided in the Standard Street Lighting Contract between Consumers Energy Company and the Charter Township of Fenton, dated September 29, 1976 in accordance with Authorizations for Change in Standard Street Lighting Contract executed by the Charter Township of Fenton during the calendar year of 2007, and

BE IT FURTHER RESOLVED, that the Township Supervisor and the Township Clerk be and are authorized to execute such authorizations for change on behalf of the Charter Township of Fenton.

Motion to adopt Resolution No. 2007-03 as presented.

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

Motion carried. Resolution declared adopted.

Resolution No. 2007-04, 2007-05 & 2007-06 honoring local School Boards

Clerk Krug reported that January has been designated as *Local School Board Recognition Month* in Michigan. Resolutions have been prepared to honor the boards of the three school districts within Fenton Township. Clerk Krug presented the following resolutions:

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RESOLUTION NO. 2007-04

WHEREAS, The Michigan State Board of Education has declared January 2007 as Local School Board Recognition Month in Michigan, and

WHEREAS, locally elected school boards play a vital role in the education of our youth, and

WHEREAS, the men and women that comprise local school boards devote significant time and effort in making important decisions regarding curriculum, budgets, staffing and other issues that affect students, teachers and parents throughout Michigan, and

WHEREAS, local school board members are extraordinary individuals who dedicate their valuable time to the governing of school districts and set a positive example for the students they serve by their commitment to civic duty and responsibility;

*NOW, THEREFORE, BE IT RESOLVED, that the Charter Township of Fenton Board of Trustees hereby commends and honors the **Lake Fenton Community Schools Board of Education** for their dedicated service and commitment to the education of the youth of our community, and*

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this meeting and a copy provided to the Lake Fenton school board.

Motion to adopt Resolution No. 2007-04 as presented.

Motion by: Krug

Seconded: Carmody

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

Nays: None

Motion carried. Resolution declared adopted.

RESOLUTION NO. 2007-05

WHEREAS, The Michigan State Board of Education has declared January 2007 as Local School Board Recognition Month in Michigan, and

WHEREAS, locally elected school boards play a vital role in the education of our youth, and

WHEREAS, the men and women that comprise local school boards devote significant time and effort in making important decisions regarding curriculum, budgets, staffing and other issues that affect students, teachers and parents throughout Michigan, and

WHEREAS, local school board members are extraordinary individuals who dedicate their valuable time to the governing of school districts and set a positive example for the students they serve by their commitment to civic duty and responsibility;

*NOW, THEREFORE, BE IT RESOLVED, that the Charter Township of Fenton Board of Trustees hereby commends and honors the **Fenton Area Public Schools***

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Board of Education for their dedicated service and commitment to the education of the youth of our community, and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this meeting and a copy provided to the Fenton school board.

Motion to adopt Resolution No. 2007-05 as presented.

Motion by: Krug

Seconded: Carmody

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

Nays: None

Motion carried. Resolution declared adopted.

RESOLUTION NO. 2007-06

WHEREAS, The Michigan State Board of Education has declared January 2007 as Local School Board Recognition Month in Michigan, and

WHEREAS, locally elected school boards play a vital role in the education of our youth, and

WHEREAS, the men and women that comprise local school boards devote significant time and effort in making important decisions regarding curriculum, budgets, staffing and other issues that affect students, teachers and parents throughout Michigan, and

WHEREAS, local school board members are extraordinary individuals who dedicate their valuable time to the governing of school districts and set a positive example for the students they serve by their commitment to civic duty and responsibility;

*NOW, THEREFORE, BE IT RESOLVED, that the Charter Township of Fenton Board of Trustees hereby commends and honors the **Linden Community Schools Board of Education** for their dedicated service and commitment to the education of the youth of our community, and*

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this meeting and a copy provided to the Linden school board.

Motion to adopt Resolution No. 2007-06 as presented.

Motion by: Krug

Seconded: Carmody

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

Nays: None

Motion carried. Resolution declared adopted.

Loose Senior Citizen Center Update

Attorney Cooley reminded the board that the Loose Senior Citizen Center (LSCC) Board of Directors is considering an amendment to their by-laws to increase the number of directors from 10 to 13. Both Mr. Cooley and the City of Fenton attorney have taken the position that such an amendment is not legal unless the Interlocal Agreement with the member communities is amended. The LSCC has obtained a legal opinion from another

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attorney that they can indeed change their by-laws without amending the Interlocal Agreement. Mr. Cooley will keep the board updated on the progress of this issue.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

None

ADJOURN: Meeting adjourned at 10:30 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 1/26/07