

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MARCH 19, 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, Tucker, Zimmer, Attorney Cooley  
and Operations Manager Broecker.

Absent: None

**PLEDGE OF ALLEGIANCE:**

Supervisor Mathis led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Supervisor Mathis announced that, as noted on the agenda, the public hearing and first reading of the BVM rezoning has been postponed to the 4/2/07 meeting. Motion to approve the 3/19/07 Fenton Township Board Meeting agenda as presented.

Motion by: Tucker

Seconded: Carmody

Ayes: All

Nays: None

Motion carried. The agenda is approved.

**PRESENTATIONS:**

**Genesee District Library Millage Proposal**

Supervisor Bonnie Mathis introduced Les Hotchkiss, who is representing the Genesee District Library. Ms. Ms. Hotchkiss reviewed information regarding the upcoming millage renewal proposal for the library, and asked the board to support the millage renewal proposal.

Deputy Clerk Broecker presented the following resolution:

**RESOLUTION NO. 2007-10**

*WHEREAS, the Genesee District Library was initially created through the cooperative efforts of the Genesee County Board of Commissioners and the Grand Blanc Township Board effective January 1, 1980, to guarantee easy access to books and the enjoyment of learning at a reasonable cost for all our residents, and*

*WHEREAS, the Genesee District Library has grown into a countywide, community based network of nineteen premier libraries, enhancing our quality of life, operating at a reasonable cost and continuing to provide the community with access to information, materials and services to advance our knowledge, and*

*WHEREAS, in 1997, the electors of the Genesee District Library district renewed the 0.7 mill and an additional 0.1 mill to operate the libraries for the 10-year period from 1997 through 2006, and*

*WHEREAS, the millage rate was reduced by law to a combined total of 0.7481 mill before expiring after the 2006 levy, and*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MARCH 19, 2007**

*WHEREAS, the Genesee District Library Board has placed a proposal on the ballot for the Tuesday May 8, 2007 election to ask the electors to approve a renewal of a 0.7481 mill levy for the 10-year period of 2007 through 2016;*

*NOW, THEREFORE, BE IT RESOLVED, that the Township Board of the Charter Township of Fenton hereby supports the Genesee District Library millage renewal proposal on the May 8, 2007 ballot and encourages our residents to support this worthwhile endeavor.*

Motion to adopt Resolution No. 2007-10 as presented.

Motion by: Krug

Seconded: Carmody

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

Nays: None

Motion carried. Resolution declared adopted.

**State Representative Dave Robertson**

Supervisor Mathis introduced State Representative Dave Robertson. Mr. Robertson thanked the board for the opportunity to appear at this meeting. He provided updates on key legislative issues:

- Governor Granholm is promoting a new sales tax on services to help the State's budget situation. Representative Robertson supports reductions in State spending rather than tax increases.
- The legislature is working toward balancing the budget while trying not to place additional financial burden on taxpayers and local government.
- Representative Robertson has co-sponsored proposed legislation to bring greater accountability to county road commissions and give the county board of commissioners the authority to dissolve the road commission if needed.

Representative Robertson also urged the board to stay involved in the process of possible expansion of the local road commission from three to five members.

Supervisor Mathis briefly outlined the timing of several construction projects in the Torrey/Lahring Road area. There is great concern that these projects, especially the Genesee County Road Commission project to add turning lanes at the intersection, will have a severe negative impact on traffic flow. Clerk Krug also expressed frustration with the road commission's decisions on the Torrey/Lahring intersection. He is concerned that the solutions being implemented by the Genesee County Road Commission will be very costly but won't resolve the problems. Representative Robertson urged the board to continue efforts to establish a good working relationship with the road commission.

Supervisor Mathis also asked about the reports that Governor Granholm is threatening to reduce the State Police force and close stations to help with the budget situation. Representative Robertson stated that bringing up this issue is simply a maneuver to attempt to gain support for the proposed tax increase.

The board thanked Representative Robertson for attending tonight's meeting.

**MEETING MINUTES:**

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MARCH 19, 2007**

Trustee Zimmer asked to have her comments added to the minutes regarding the LSCC service area map and the apparent disproportionate funding sources relative to the service area. The minutes of the 2/26/07 special meeting stand approved as presented. The minutes of the 2/27/07 regular meeting stand approved as revised.

**EXPENDITURES:**

Motion to approve expenditures as presented.

Motion by: Carmody

Seconded: Zimmer

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

Nays: None

Motion carried.

**PUBLIC HEARINGS:**

**Rezoning #R07-001, BVM Development, LLC.: parcels 06-01-300-003, 06-01-300-035, 06-01-300-036, 06-01-400-011, 06-01-400-015, 06-01-400-018 and part of 06-01-400-019 & 06-01-400-021, (near the southwest corner of Fenton & Thompson Roads); AG & R-3 to PUD/Public Hearing & 1<sup>st</sup> Reading**

Postponed to the 4/2/07 meeting.

**REPORTS:**

**Lahring / Torrey 2007 Construction Projects**

Supervisor Mathis reported that representatives from Fenton Township, Lake Fenton Schools, MDOT and the Genesee County Road Commission recently met to discuss the various construction projects scheduled for this year in the Torrey/Lahring Road area. A summary of those projects is as follows:

<b><u>Agency</u></b>	<b><u>Project</u></b>	<b><u>Projected Start Date</u></b>	<b><u>Projected Completion</u></b>
MDOT	Lahring Road Bridge Reconstruction (bridge closed)	4/19/07	7/4/07
WWS	Torrey Road Sewer Reconstruction (intermittent single lane closures)	June, 2007	6 weeks
GCRC	Torrey/Lahring Turning Lanes (intersection closed)	September, 2007	6 weeks

As dates become more definite, or if there are changes to the scheduling, this information will be posted on the Township's website and communicated to the local newspapers.

Trustee Goupil asked if another traffic study could be requested. Supervisor Mathis will investigate.

**Sewer Project Update**

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MARCH 19, 2007**

Trustee Zimmer reported that sewer work on Rolston Road has been completed. Work on Isleview Drive will be completed this week. The next project is to replace the sewer on Whitaker Road from Harp Drive to the pump station. The sewer lines in this area are cracked, broken and sagging in some segments. The new plastic pipe being installed should last 50+ years. In conjunction with the Township's sewer project, the Genesee County Road Commission has been removing trees as they prepare to widen the narrow portion of Whitaker Road to two lanes to improve safety. The road will be closed to through traffic during these projects.

**Televised Meetings Update**

Treasurer Carmody stated that tonight's meeting is being videotaped. This is the first step in having Township Board meetings televised on Channel 19 on a regular basis. He thanked the school districts for their involvement in providing resources to record the meetings. He also commended Trustee Zimmer for her hard work in moving the project forward. Trustee Zimmer thanked the entire board for their decision to implement this project to improve information availability for our residents.

**COMMUNICATIONS:**

**Livingston County Septage Facility**

Supervisor Mathis reviewed information from Livingston County regarding the establishment of a regional septage disposal facility. This facility will be located in Hartland Township and its service area includes Fenton Township. This will become an alternative to land application of septage.

**ADOPTION OF ORDINANCES:**

None

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

**Silver Ridge Subdivision Association – Wal-Mart Concerns**

Claudia Cook, representing the Silver Ridge subdivision association, addressed the board regarding their concerns about the proposed expansion of the Wal-Mart facility in the City of Fenton. The expansion plans include a large detention area adjacent to the Silver Ridge subdivision. The residents have asked the city for an environmental impact study to determine potential impact on ground water, specifically on the wells of the adjacent lots. They are also concerned about potential pollution of Silver Lake.

Ms. Cook asked the board to consider providing some type of assistance to help determine if the consent judgment entered several years ago is being followed. Supervisor Mathis stated that the Township must be careful not to spend public funds on a private issue. She will confer with legal counsel to determine what level of involvement is legally possible. Treasurer Carmody stated that the Township should defend its residents if at all possible.

Trustee Brown stated that the ground water should be considered public domain and the Township should be able to have the consent judgment reviewed to protect the health, safety and welfare of our residents. Treasurer Carmody added that the Township has the responsibility to help our residents as we may be partially responsible for creating the situation that exists.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MARCH 19, 2007**

Ms. Cook distributed copies of the consent judgment to the board. Supervisor Mathis stated that the Township will review the situation and try to find a way to help if possible.

**Lot Split #ZBA07-004, Mitch Panchula, Parcel 06-14-551-022, (13437 Lakeshore Drive), Redistribution of Three Platted Lots Into Two Parcels**

Supervisor Mathis reviewed a proposed redistribution of platted lots to turn 3 platted lots into two parcels. Because the resulting parcels would still be non-conforming, the property owner sought variances from the ZBA for road frontage, land area and lake frontage, which were granted. Trustee Goupil explained that, since the property owner could have the property divided into three lots, as originally platted, the request to divide into two lots appears to be a better use of the property. The variances were granted with the condition that the sight line will be maintained as shown on the site plan submitted by the applicant. He also added that, while the Lake Fenton Property Owners Association is opposed to the proposed division, the neighboring property owners are in favor of the request.

Clerk Krug stated that he is concerned with allowing more homes by granting the requested division because of the perceived threat of three smaller lots. Trustee Tucker stated that the ZBA was in a very difficult position on this request. This case points out the need to re-visit the issues of non-conforming lots of record and sight line requirements.

Supervisor Mathis clarified that the "100 foot rule" only applies to new development, not existing lots. She is concerned that, if the request is denied, the property could revert back to three 30' lots with negative sight line implications.

Treasurer Carmody supports the concept of "cleaning up" the Zoning Ordinance language to address these issues. Trustee Tucker suggested scheduling a meeting to include the Township Board, Planning Commission and ZBA.

Trustee Zimmer stated that she would like more information in order to make an informed decision.

Public Comment:

Bev McKenna, 13463 Lake Shore Drive

Ms. McKenna believes that three 30' lots would be financially feasible so she feels that two lots are better than three. She also feels that the ZBA's hands were tied on this variance request because of the sight line language in the Zoning Ordinance.

Dave Franz, 3435 Breezepointe Court

As a builder, Mr. Franz believes that developer would likely build three homes on three lots if the requested division is denied. He is also concerned with the sight line issues.

George Dyball, Lake Fenton Property Owners Association President

Mr. Dyball pointed out that the applicant's original request for a 50/40 split was denied by the ZBA.

After further discussion the board determined that this request needs further review before rendering a decision.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MARCH 19, 2007**

Motion to postpone the requested redistribution of platted lots, parcel 06-14-551-022, until the Township Board, Planning Commission and ZBA have had the opportunity to meet to discuss issues relevant to the request.

Motion by: Brown

Seconded: Tucker

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

Nays: None

Motion carried.

**Proposed 2007 Local Road Improvement Projects**

Operations Manager Broecker reported that the Township had requested engineering estimates from the Genesee County Road Commission for the following projects:

Limestone resurfacing – Odell Road from Thompson Road to Linden Road

Limestone resurfacing – Thompson Road from Odell Road to Linden Road

Limestone resurfacing & drainage improvements – intersection of North Long Lake Road and Dalhart Drive

Estimates for the Odell & Thompson Road improvements are included in the meeting packet, at a projected cost of \$27,500.00. The Township is still exploring options for the needed improvements at the North Long Lake/Dalhart intersection.

Public Comment:

Cheryl Clark, 12177 Dalhart Drive

Ms. Clark thanked the board for their efforts to improve the Dalhart/North Long Lake Road intersection. The rest of the street, however, is still in dire need of improvement. She would like to pursue a special assessment district to resurface the road with gravel and improve drainage. The Township will obtain cost estimates to be used in the potential special assessment district.

Trustee Brown reported that Jennings Road between Thompson and Lahring Roads is falling apart in certain sections. There have been two rollover accidents in the past few weeks. Given the construction projects scheduled for this summer, Jennings Road will be taking on a significant amount of detour traffic and must be maintained.

Motion to tentatively approve 2007 local road projects as presented, subject to execution of the appropriate agreements with the Genesee County Road Commission.

Motion by: Zimmer

Seconded: Krug

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

Nays: None

Motion carried.

**Resolution No. 2007-11, Revocation of AMSEA, Inc. Tax Abatements**

Operations Manager Broecker reported that AMSEA, Inc. and Meyer-AMSEA, LLC closed their facilities late in 2006 and are apparently now out of business. Since both properties included tax abatements granted by Fenton Township, formal action is required to revoke these abatements.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MARCH 19, 2007**

Deputy Clerk Broecker presented the following resolution:

**RESOLUTION NO. 2007-11**

*WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., the State Tax Commission of the Michigan Department of Treasury issued Industrial Facilities Exemption Certificates to AMSEA, Inc. and Meyer-AMSEA, LLC for real and personal property as follows:*

<b><u>Certificate Holder</u></b>	<b><u>Certificate No.</u></b>	<b><u>Year Issued</u></b>
AMSEA, Inc.	95-504 (Real & Personal Property)	1995
AMSEA, Inc.	98-470 (Personal Property)	1998
AMSEA, Inc.	99-460 (Personal Property)	1999
Meyer-AMSEA, LLC	98-469 (Personal Property)	1998

*WHEREAS, the facilities subject to these exemption certificates are no longer occupied by the certificate holder, and*

*WHEREAS, the equipment subject to these exemption certificates has been relocated outside of Fenton Township;*

*NOW, THEREFORE, BE IT RESOLVED, that the Township Board of the Charter Township of Fenton hereby revokes Industrial Facilities Exemption Certificate #95-504, #98-470, #99-460 and #98-469 effective immediately.*

Motion to adopt Resolution No. 2007-11 as presented.

Motion by: Krug

Seconded: Brown

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

Nays: None

Motion carried. Resolution declared adopted.

**PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:**

Dave Franz, 3435 Breezepointe Court

Mr. Franz stated that Rolston Road and North Road will also take on detour traffic this year and those roads are also in need of repair.

Tom Richard, 12425 Jennings Road

Mr. Richard stated that he is researching proposed federal legislation that may provide funding for infrastructure improvements. He will provide more information when he receives it.

Susan Foland, Fenton Township Residents Association President

Ms. Foland thanked the board, particularly Treasurer Carmody and Trustee Zimmer, for their efforts to get board meetings televised. She also asked that the Township look into improving the picture quality on Channel 19. Treasurer Carmody reported that we have already been in contact with Charter Communications technicians and improvements have already been made.

Claudia Cook, 4017 Shadow Oak Court

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MARCH 19, 2007**

Ms. Cook agreed with the earlier comments on the condition of Jennings Road.

**ADJOURN:** Meeting adjourned at 10:00 p.m.

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 3/20/07**