

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF APRIL 2, 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 and Recording Secretary Penny Sharich.

Absent: None

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Supervisor Mathis requested that the resolution honoring Eagle Scout David Martel be moved to the top of the agenda. Motion to approve the 4/2/07 Fenton Township Board Meeting agenda as amended.

Motion by: Brown

Seconded: Carmody

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

Trustee Tucker clarified that the proposed lot split that was postponed at the last meeting included three separate variances that were granted by the ZBA. This will be corrected in the meeting minutes. The minutes of the 3/19/07 regular meeting stand approved as revised. The minutes of the 3/28/07 special meeting and special joint meeting stand approved as presented.

EXPENDITURES:

Trustee Zimmer questioned the payment to the State Bank. It was confirmed that this is the annual installment payment on the 2002 building renovation project, which has ten years remaining. 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 & 1st Reading

Supervisor Mathis reviewed the proposed PUD rezoning of several parcels near the Fenton Road/Thompson Road intersection. Trustee Tucker noted that this rezoning has been before the Planning Commission and Township Board several times. The current rezoning application is an attempt to resolve current litigation regarding the property.

Applicant Glenn Vincil provided a brief overview of the proposed project.

- Density of 1.7 units per acre.

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- 20 acres of open space, including scenic vistas and common areas.
- 58 “traditional” detached condominium units.
- 86 single family homes, (27-100’ lots, 14-90’ lots, 45-80’ lots).
- Single family homes to be 1,800 – 3,000 square feet in size.
- The road right of way in the traditional condo section will be 50’ wide, rather than 66”, but the road itself will be constructed to Genesee County Road Commission standards.
- Front setbacks for the traditional condo units will be 35 feet from the road edge, with a minimum of 12’ between buildings.
- The area designated for Office Service use will include five buildings totaling approximately 54,000 square feet.
- The proposed project will comply with all Genesee County Drain Commissioner requirements, including handling drainage from the adjacent Springfield Hills development.

The board discussed drainage issues at length. It was confirmed that the storm water runoff will have to be maintained at the agricultural rate.

Public Comment:

The following individuals commented on the proposed rezoning:

Gerald Jones, 1439 Wiggins Road
Deborah Jones, 1439 Wiggins Road
Dave Franz, 3435 Breeze Pointe Court
John Forbes, 2139 Wiggins Road
Thomas Klink, 1416 Thompson Road

Their comments/concerns included:

- The actual amount of regulated wetlands on the subject property.
(There is 1.9 acres currently in dispute. This will not affect density since the maximum number of units has been fixed.)
- Concerned about increased traffic on Wiggins Road
(Wiggins Road is the secondary entrance and only 1/10 of a mile is affected. An entrance on Fenton Road will not be permitted by the Genesee County Road Commission.)
- Has a traffic impact study been completed?
- Will the roadways include curb & gutter or open ditch drainage?
- Landscaping concerns.
(These issues will be addressed during site plan review.)
- Proposed development may impact the drainage of Barnum Lake.
- Storm water runoff may include pesticides and other pollutants.

Trustee Goupil questioned allowing a density of 1.7 units per acre with only 10% open space when a standard R-3 zoning only allows 1.5 units per acre with 50% open space. Supervisor Mathis noted that one of the reasons for considering a slightly higher density is the fact that the drainage improvements will resolve storm water problems related to the Springfield Hills development. Trustee Tucker added that the Planning Commission had recommended 1.5 units per acre but not as an “open space” plan. There are

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significant drainage issues to be potentially resolved in exchange for 15-17 additional units.

Treasurer Carmody stated that he is still somewhat concerned with the narrower right of way in the denser part of the project. He would also like to see dry hydrants included in the final site plan.

The second reading of the proposed rezoning ordinance will be conducted at the 4/16/07 meeting.

REPORTS:

Loose Senior Center

Trustee Zimmer distributed maps of the Loose Senior Citizen Center service area, pointing out that the service area includes significant areas outside of Genesee County, although all funding comes from within Genesee County.

Sewer Project Update

Trustee Zimmer reported that sewer work is to begin in the West Four Lakes Avenue area. Work in the Whitaker Road area should begin within a few weeks, when the weight restrictions are lifted from county roads. Restoration efforts will be completed as weather permits.

Septage Receiving Facility

With regard to the septage disposal facility discussed at the last board meeting, Trustee Zimmer noted that new laws prohibit the application of septage sludge on farm fields. The new facility will service a large geographic area.

Sewer Treatment Plant Update

Trustee Zimmer reported that the expansion project at the District 3 sewage treatment plant, originally schedule to be completed in August 2007, is currently behind schedule. Additionally, berms will be put into place to help with odor control.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

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 lot split to divide a parcel consisting of 3 platted lots into two parcels. Because the resulting parcels would still be non-conforming, the property owner applied for and received variances from the ZBA for road frontage, land area and lake frontage. The variances were granted with the condition that the sight line will be maintained as shown on the site plan submitted by the applicant.

Applicant Mitch Panchula explained that he preferred to build two homes that are appropriate for the neighborhood rather than three smaller homes. Sean Affrica, Mr.

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Panchula's partner, noted that the neighboring property owners have been consulted, adding that they are trying to preserve lake views and neighborhood character.

Trustee Tucker stated that he doesn't particularly like either option and suggested that a duplex or a 2-unit condominium may be worth consideration. Trustee Tucker suggested not accepting any similar applications until proposed ordinance amendments can be adopted.

Public Comment:

The following individuals spoke in favor of the proposed lot split:

Robert Harris, 13385 Lake Shore Drive
Richard Hauk, 13343 Lake Shore Drive
Arlene Chumley, 13433 Lake Shore Drive
Richard Brown, 13355 Lake Shore Drive

Their comments included:

- The sight line is being preserved, which was the most important issue to the neighbors. The developer has listened to their concerns.
- Two moderately sized homes would be better than one large home.
- The size of the proposed two homes would be more consistent with surrounding properties.
- Two lots are the best of the available options.

Trustee Goupil commented that, with regard to granting the variances necessary to allow the requested lot split, the ZBA was faced with a difficult decision. The neighboring residents are in favor of the proposed split as the best available alternative. Trustee Tucker stated that he appreciates the position of the neighbors preferring two lots rather than dealing with three small lots.

Motion to approve the division of parcel 06-14-551-022, a redistribution of platted lots, as presented, provided that any homes constructed on the subject properties conform to the site plan and elevations presented by the applicant, with any changes to be reviewed by the Zoning Administrator.

Motion by: Mathis

Seconded: Brown

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

Nays: None

Motion carried.

NEW BUSINESS:

Proposed Revisions to Committee Appointments

The board reviewed the current internal and external committee appointments. It has been proposed to appoint Trustee Zimmer as the primary representative on the Fenton Area Cable Television Consortium, with Treasurer Carmody as the alternate, (those positions are currently reversed). There was also discussion regarding the board representation on the Genesee County Metro Alliance. It was also noted that the listing

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provided did not correctly list Les Scott as the Township's representative on the Loose Senior Citizen Center Board, although he was appointed to that post in October 2006. This will be corrected.

Motion to appoint Trustee Zimmer as the primary representative and Treasurer Carmody as the alternate on the Fenton Area Cable Television Consortium.

Motion by: Mathis

Seconded: Brown

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

Nays: None

Motion carried.

Motion to appoint Trustee Brown as the Township's representative on the Genesee County Metropolitan Alliance.

Motion by: Krug

Seconded: Goupil

Ayes: Mathis, Krug, Goupil

Nays: Carmody, Brown, Tucker, Zimmer

Motion failed. Clerk Krug will remain as the Metro Alliance representative.

Purchase of Voting Equipment – Absent Voter Counting Board

Clerk Krug stated that, based on difficulties experienced in the November 2006 General Election, he is recommending the use of an Absent Voter Counting Board for future elections. An Absent Voter County Board would serve as a 7th precinct that would process all absentee ballots in a central location on Election Day. Removing the absentee ballots from the other six precincts will eliminate the timing problems, mechanical difficulties and confusion created by trying to integrate the absentee ballots into the normal Election Day flow at the polling location. This has been a significant issue during busier elections. Once established, the Township will have the option to use or not use the Absent Voter Counting Board for each election.

In order to utilize an Absent Voter Counting Board, the Township needs to purchase one additional M-100 scanner/tabulator, ballot box and PCM card. The State of Michigan contract with vendor ES&S will expire at the end of April 2007, therefore the equipment order should be placed soon to take advantage of the state contract pricing. The cost for the equipment, including shipping, is approximately \$5,700.00.

Motion to approve the purchase of additional voting equipment as presented.

Motion by: Brown

Seconded: Tucker

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

Nays: None

Motion carried.

Purchase of Additional Microphone

In the interest of being able to better hear all comments during the meeting, particularly since the meetings are being recorded, Treasurer Carmody suggested that the Township obtain one or more wireless microphones that can be utilized during public meetings.

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Motion to authorize research into the feasibility of acquiring one or more wireless microphones to be utilized at Township meetings.

Motion by: Carmody

Seconded: Mathis

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

Nays: None

Motion carried.

Proposed 2007 Budget Amendments

Clerk Krug reviewed proposed amendments to the 2007 Fenton Township Budget. There are several proposed revisions to the General Fund budget, the most significant being an \$11,000.00 reduction in Revenue Sharing, (based on current State of Michigan projections), and a \$20,000.00 decrease in medical insurance expense, due to the implementation of a new coverage plan. All proposed changes in the General Fund result in a net change of zero to the budget. The only other proposed amendment is an increase to the liability insurance expense in the Sewer Fund, based on premium allocations provided by the Township's insurance company. There are no proposed changes to the Solid Waste, Mosquito Control or Fire Funds.

Motion to adopt amendments to the 2007 Fenton Township budget as presented.

Motion by: Brown

Seconded: Carmody

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

Nays: None

Motion carried.

**Schedule Public Hearing on Industrial Facilities Exemption Certificate Application
– Paragon Manufacturing Inc.**

The board reviewed a memo from Operations Manager Broecker regarding the receipt of an Industrial Facilities Exemption Certificate application from Paragon Manufacturing for new equipment. A public hearing is required before the board can take formal action on the application.

Trustee Tucker stated that his brother-in-law is part owner of Paragon Manufacturing and asked the board to allow him to abstain from voting on this issue.

Motion to allow Trustee Tucker to abstain from voting on any issues involving Paragon Manufacturing, Inc. due to a conflict of interest.

Motion by: Goupil

Seconded: Carmody

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

Nays: Brown

Motion carried.

Motion to schedule a public hearing for April 16, 2007 to consider the application of Paragon Manufacturing, Inc. for an Industrial Facilities Exemption Certificate for new equipment.

Motion by: Goupil

Seconded: Zimmer

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

Nays: None

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Abstaining: Tucker
Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Tom Richard, 12425 Jennings Road

Mr. Richard suggested that maybe a way could be found to levy a tax on other municipalities that benefit from the Loose Senior Citizen Center to help support the center.

ADJOURN: Meeting adjourned at 9:45 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 4/5/07