# 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, Goupil, Zimmer, Operations Manager Broecker

and Attorney Cooley

Absent: Brown, Tucker (arrived 7:34 p.m.)

## **PLEDGE OF ALLEGIANCE:**

Supervisor Mathis led the pledge of allegiance to the flag.

Supervisor Mathis also advised the audience that this meeting was being recorded for telecast on local public access television.

## **APPROVAL OF AGENDA:**

Motion to approve the 7/9/07 Fenton Township Board Meeting agenda as presented.

Motion by: Zimmer Seconded: Krug Ayes: All Present Nays: None

Absent: Brown, Tucker

Motion carried. The agenda is approved.

#### PRESENTATION:

## Genesee County Land Bank - Brownfield Redevelopment Plan Amendments

Supervisor Mathis introduced Bill Winiarski, representing the Genesee County Land Bank's Brownfield Redevelopment Authority. Mr. Winiarski introduced Lead Planner Christina Kelly from the Land Bank staff. They outlined proposed amendments to the County's Brownfield Redevelopment Plan, which will allow the Land Bank to take over additional tax-reverted properties to be redeveloped and sold. The amendment will also allow the Authority to issue bonds to finance the rehabilitation of the properties. Although there are no new parcels being added from Fenton Township, they still need all local units of government to formally approve these amendments by resolution. Mr. Winiarski, Ms. Kelly and the board discussed various Brownfield and redevelopment issues at length. Clerk Krug presented the following resolution:

### **RESOLUTION NO. 2007-20**

WHEREAS, the Genesee County Board of Commissioners, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has established the Genesee County Brownfield Redevelopment Authority ("GCBRA") to facilitate the cleanup and redevelopment of Brownfields within Genesee County's Communities, and

WHEREAS, a Brownfield redevelopment plan for the Genesee County Land Bank Authority Redevelopment Project (the "Plan") was approved by the County Board of Commissioners on December 14, 2004 and amended on February 21, 2006, and

WHEREAS, additional amendments (the "Additional Amendments") to the Plan have been proposed to restore the environmental and economic viability of additional tax foreclosed and underutilized Property acquired by the Land Bank Authority, and

WHEREAS, no additional properties located with the jurisdiction of the Charter Township of Fenton will be included in the Additional Amendments, and

WHEREAS, the GCBRA, pursuant to and in accordance with Section 13 of the Act, has recommended that the Genesee County Board of Commissioners approve the Additional Amendments to the Plan to be carried out within Genesee County relating to the redevelopment of the Property, and

WHEREAS, the Charter Township of Fenton Board of Trustees considered the Additional Amendments during a regular meeting on Monday July 9, 2007 at 7:30 p.m. at the Fenton Township Civic Community Center;

NOW, THEREFORE, BE IT RESOLVED, that the Fenton Township Board of Trustees, having previously concurred with the Plan, hereby concurs with the Additional Amendments, and

BE IT FURTHER RESOLVED, that the Fenton Township Board of Trustees hereby consents to the approval of the Additional Amendments by the Genesee County Board of Commissioners and the implementation of the Additional Amendments by the GCBRA, and

BE IT FURTHER RESOLVED, that should any section, clause or phrase of the Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part declared to be invalid, and

BE IT FINALLY RESOLVED, that all resolution or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Motion to adopt Resolution No. 2007-20 as presented.

Motion by: Krug Seconded: Zimmer

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

Nays: None Absent: Brown

Motion carried. Resolution declared adopted.

The board thanked Mr. Winiarski and Ms. Kelly for their informative presentation.

#### **MEETING MINUTES:**

The minutes of the 6/18/07 regular meeting stand approved as presented.

#### **EXPENDITURES:**

Trustee Zimmer questioned a \$1,940.00 invoice paid to a resident for concrete repair. It was confirmed that this was for sewer work restoration in a situation where the property owner insisted on using their own contractor. Motion to approve expenditures as presented.

Motion by: Zimmer Seconded: Carmody

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

Nays: None Absent: Brown

Motion carried.

## **PUBLIC HEARINGS:**

## Lake Christi Improvement Special Assessment District/Assessment Roll Hearing

Supervisor Mathis opened a public hearing on the special assessment roll for a 5-year special assessment district for improvements to Lake Christi through the eradication and control of aquatic weeds. The total 5-year cost of the project is approximately \$28,125.00. The board will accept public comment regarding the following:

- 1. An individual's assessment in relation to benefit received.
- 2. The total cost of the project.
- 3. The validity of the proceedings to date.

There was no public comment. Clerk Krug presented the following resolution:

#### **RESOLUTION NO. 2007-21**

WHEREAS, the township board of the Charter Township of Fenton, Genesee County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of defraying the costs of the weed eradication/control project proposed to be initiated within the Lake Christi Improvement Special Assessment District as shown on the plans and specification for such project, and

WHEREAS, such public hearing was preceded by proper notice in a newspaper of general circulation in the Township, and by First Class Mail notice to each property owner of record within said district and upon said assessment roll, and

WHEREAS, all present at said public hearing were given the opportunity to be heard in the matter, and

WHEREAS, no written objections were received to said roll and levy, and

WHEREAS, a record of those present to protest, and of written protests submitted at or before the public hearing was made a part of the minutes of the hearing, and

WHEREAS, the Township Board has duly inspected the proposed assessment roll and considered all comments and proposed amendments thereto and has found the proposed assessment roll, as submitted, to be correct, just and reasonable;

THEREFORE BE IT RESOLVED, that the assessment roll submitted by the supervisor and assessing officer of the Township shall hereafter be designated as Fenton Township Special Assessment Roll No. 2007-3 and shall hereby be confirmed as the assessment roll for the Lake Christi Improvement Special Assessment District.

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2007-3 shall be divided into five annual installments with the first installment due on or before December 1, 2007 and the following installments to be due on or before the first day of December of the years 2008 through 2011 inclusive.

BE IT FURTHER RESOLVED, that future due installments of an assessment against any parcel of land may be paid to the Township Treasurer at any time in full. If any installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected a penalty at the rate of 1% for each month, or fraction of a month, that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township tax roll, in accordance with Michigan P.A. 188 of 1954, as amended.

BE IT FURTHER RESOLVED, that the assessments made in said special assessment roll are hereby ordered and directed to be collected by the Township Treasurer, and the Township Clerk shall deliver said special assessment roll to said Treasurer with his warrant attached, commanding the Treasurer to collect such assessments in accordance with the direction of the Township Board and said P.A. 188 of 1954.

BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded

Motion to adopt Resolution No. 2007-21 as presented.

Motion by: Krug Seconded: Carmody

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

Nays: None Absent: Brown

Motion carried. Resolution declared adopted.

## **REPORTS:**

## <u>Genesee County Metropolitan Alliance Update – Les Scott</u>

Les Scott provided several updates regarding Genesee County Metro Alliance:

- The Fenton Road widening project has been reduced from five to three lanes, with construction expected in 2011.
- The Township needs to work with the Genesee County Road Commission to determine if a non-motorized trail should also be constructed when Fenton Road is widened.
- A total of 16 projects were removed from the long range plan, including Thompson Road in Fenton Township. Apparently there is a requirement to review other alternatives to widening to address traffic congestion issues.

### **Loose Senior Citizen Center Update – Les Scott**

Les Scott provided several updates regarding the Loose Senior Citizen Center (LSCC):

- The LSCC is working with the Genesee County Mass Transportation Authority to have a passenger van permanently assigned to the center.
- In response to concerns that the center is servicing seniors from outside Genesee County while all funding comes from within Genesee County, the

center surveyed their mailing list and determined that 91% of the residents are in Genesee County.

- The current membership count for the LSCC is 1,776. In the month of May 4,448 services were utilized by seniors. The April total was 2,916.
- Recent or planned building improvements include a handicap accessible restroom, kitchen upgrades, ductwork improvements, a new lighted sign and a new flagpole.
- The most recent financial audit for the LSCC showed that the center is in good financial condition with proper internal controls in place.

The board thanked Mr. Scott for his very informative reports.

## Public Safety/Lake Activities Update

Trustee Goupil reported that the two meetings that were conducted with the Genesee County Sheriff Department regarding the Marine Patrol for boating and lake activities resulted in stricter enforcement of laws and ordinances, with more tickets and fewer warnings. In the two weeks prior to July 4<sup>th</sup> 21 tickets were issued on Lake Fenton along with 99 warnings and six arrests. On July 4<sup>th</sup> there were another six arrests made, including two on outstanding felony warrants. Overall the lower tolerance policy has resulted in more tickets being issued this year.

## **Channel 19 Update**

Trustee Zimmer reported that the various groups providing programming for public access channel 19 have each been assigned a specific day. Lake Fenton Schools will telecast their programming on Mondays, Linden Schools on Tuesdays, Fenton Schools on Wednesday and Fenton Township on Thursday. The most recent Township Board meeting will be telecast at 8:00 a.m., 12:00 noon, 4:00 p.m. and 8:00 p.m. every Thursday. The meetings will also be shown periodically throughout the Friday-Sunday timeframe. The on-air program guide will provide specific times.

### **Township Authority Issues**

Trustee Zimmer again raised the issue that some politicians are seeking to strip authority from Townships with the possible ultimate goal of eliminating Townships. She read the following excerpt from MTA Executive Director Larry Merrill's monthly column in the MTA News:

"Politicians from older, urbanized communities seethe with resentment as their constituents migrate to townships. And various interest groups who want more influence on land use decisions express frustration at how township planning and zoning is driven by local values and preferences, rather than the wishes of people who don't live in a community but who nonetheless want to control its character and destiny."

It is imperative for the Township Board members to stay on top of HB 4780, and any other attempts to erode township authority to protect and maintain local control.

## **Non-Motorized Trails**

Regarding the non-motorized trail for Fenton Road mentioned by Mr. Scott, Trustee Zimmer stated that this issue was also discussed at a recent Technical Advisory Committee (TAC) meeting. She confirmed Mr. Scott's statement that the Township needs to determine if they want to pursue such a trail. She is concerned about the cost

and the proximity to existing homes. After a lengthy discussion the board members agreed that they support, in general, the concept of non-motorized trails, however issues such as cost, wetland impact, existing homes already close to the road, etc. are of great concern.

### **COMMUNICATIONS:**

None

### **ADOPTION OF ORDINANCES:**

## Proposed Grading Ordinance Amendment/1<sup>st</sup> Reading

Supervisor Mathis reviewed a proposed amendment to the Grading Ordinance. This amendment, which was recommended by the Township Engineer, would add a requirement for site stabilization, such as sod or hydro-seed, within 30 days of final grade approval. Trustee Tucker supported the amendment, adding that the original adoption of the Grading Ordinance was a significant step in controlling drainage problems between neighboring properties.

There was no public comment. The second reading of the proposed amendatory ordinance will be conducted at the 7/23/07 meeting.

### **Proposed Zoning Ordinance Amendment – Definitions**

Supervisor Mathis introduced the first of five Zoning Ordinance amendments on this evening's agenda. The first proposed amendment would revise the definitions of Lot Area and Front Lot Line, and add definitions for Animal Shelter, Cul-de-sac Length, Landscape Contractor, Low Intensity Sales & Storage and Towing Service. Trustee Tucker explained that this amendment falls under the category of "cleanup and clarification", to improve the Zoning Ordinance and eliminate confusion regarding these uses.

There was no public comment. The second reading of the proposed amendatory ordinance will be conducted at the 7/23/07 meeting.

### <u>Proposed Zoning Ordinance Amendment – District Regulations</u>

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to add Animal Shelter, Landscape Contractor, Low Intensity Sales & Storage and Towing Service as permitted uses and/or special uses in specific zoning districts. Trustee Tucker stated that this amendment simply assigns the newly defined uses from the previous amendment to specific zoning districts as either a permitted use or special use. Trustee Zimmer expressed concern that an animal shelter could be allowed as a special use in a residential district. Trustee Tucker stated that this particular use was added due to location of Adopt-A-Pet on residentially zoned property. Clerk Krug added that the design standards in one of the other zoning amendments applies certain standards, such as a 5-acre minimum, to this use.

There was no public comment. The second reading of the proposed amendatory ordinance will be conducted at the 7/23/07 meeting.

## <u>Proposed Zoning Ordinance Amendment – Footnotes (District Regs)</u>

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to revise footnote 'h' (regarding usable land area in density calculations), to add footnote 'o' (regarding wetland setbacks) and to revise Table 3-2 (regarding minimum lot area), in

Article 3 of the Zoning Ordinance. Trustee Tucker stated that the revision of footnote 'h' and Table 3-2 are just for clarification to eliminate any gray areas. The new footnote 'o' requires that all structures maintain a 25-foot setback from any wetland, a significant tool to protect the wetlands.

There was no public comment. The second reading of the proposed amendatory ordinance will be conducted at the 7/23/07 meeting.

## Proposed Zoning Ordinance Amendment – Off Street Parking

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to revise provisions for off-street parking. Trustee Tucker explained that the amendment establishes three separate categories of drive-in / drive-thru establishments so that parking requirements are more equitable.

There was no public comment. The second reading of the proposed amendatory ordinance will be conducted at the 7/23/07 meeting.

## **Proposed Zoning Ordinance Amendment - Design Standards**

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to add design standards for Animal Shelters, Entrance Features, Landscape Contractors and Low Intensity Sales & Storage, and to revise design standards for Communication Towers and Antennae. Trustee Tucker explained that part of the amendment establishes design standards for the uses created in the earlier amendments. The section on communication towers was completely revamped to bring it into line with current industry practices.

Clerk Krug asked if this would be the appropriate section to address wind turbines. Trustee Tucker responded that wind turbines are an important issue but should be addressed in a separate amendment.

Trustee Zimmer stated that she is concerned about the potential affects of cell towers and believes they should be prohibited in residential districts. Trustee Tucker stated that it is his understanding that the Township does not have the authority to prohibit them. This issue will be researched further.

There was no public comment. The second reading of the proposed amendatory ordinance will be conducted at the 7/23/07 meeting.

### **UNFINISHED BUSINESS:**

None

## **NEW BUSINESS:**

### Resolution No. 2007-22, CDBG Authorization/Signature Card

Operations Manager Broecker reviewed a letter from Genesee County Community Development requesting an updated signature card for CDBG projects. A resolution has also been prepared to authorize the Supervisor, Clerk and Treasurer to make funding requests through Community Development.

Clerk Krug presented the following resolution:

**RESOLUTION NO. 2007-22** 

WHEREAS, the Charter Township of Fenton participates in the Genesee County Community Development Program, and

WHEREAS, the Genesee County Community Development Program has requested an updated signature card for officials authorized to request reimbursements from the Community Development Block Grant Program;

THEREFORE BE IT RESOLVED, that the following individuals are hereby authorized to request reimbursements from the Community Development Block Grant Program:

NamePositionBonnie K. MathisTownship SupervisorRobert E. KrugTownship ClerkPatrick J. CarmodyTownship Treasurer

Motion to adopt Resolution No. 2007-22 as presented.

Motion by: Krug Seconded: Carmody

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

Nays: None Absent: Brown

Motion carried. Resolution declared adopted.

#### Resolution No. 2007-23, Genesee County Hazard Mitigation Plan

Operations Manager Broecker explained that the Genesee County Planning Commission and the Genesee County Emergency Management and Homeland Security Office have collaborated on a countywide hazard mitigation plan, which has received conditional approval from FEMA. The plan can be formally approved when FEMA receives documentation of adoption from the County and the local units of government. Those local units that adopt the plan will be eligible to apply for hazard mitigation funding in the future. A resolution of adoption has been drafted and is presented for Township Board approval.

Clerk Krug presented the following resolution:

#### **RESOLUTION NO. 2007-23**

WHEREAS, the Charter Township of Fenton, Genesee County, Michigan is vulnerable to a wide range of natural, technological and human-related hazards, and could potentially experience repetitive disasters that could cause loss of life, damaged commercial, residential and public properties, displace citizens and business, close streets and present general public health and safety concerns, and

WHEREAS, Genesee County has prepared a Genesee County Hazard Mitigation Plan that provides an understanding of those threats, identified the hazards affecting the area, discussed the county's vulnerability to the identified hazards, and outlines the community's options and strategies to reduce overall damage and impact from natural and technological hazards, and

WHEREAS, the Genesee County Hazard Mitigation Plan represents the interests and needs of the Charter Township of Fenton;

NOW, THEREFORE, BE IT RESOLVED, that the Genesee County Hazard Mitigation Plan is hereby adopted as an official plan of the Charter Township of Fenton.

Motion to adopt Resolution No. 2007-23 as presented.

Motion by: Krug Seconded: Zimmer

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

Nays: None Absent: Brown

Motion carried. Resolution declared adopted.

## **Proposed Amendments to 2007 Budget**

Operations Manager Broecker reviewed the proposed 2<sup>nd</sup> quarter budget amendments. The most significant proposed amendments in the General Fund include a reduction in projected building permit fees and an increase in building repair expense. These have been offset by adjustments to a number of line items, resulting in a balanced budget for 2007. The only significant change to the Fire Fund budget is the addition of expense for the purchase of two squad trucks, which was already approved by the board.

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

Motion by: Carmody Seconded: Zimmer

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

Nays: None Absent: Brown

Motion carried.

## **Schedule Election Commission Meeting**

Clerk Krug reported that the Election Commission is required to meet within the next week to formally appoint election inspectors for the 8/7/07 election. After a brief discussion the meeting was scheduled for Tuesday 7/10/07 at 6:45 p.m.

## **Cable PEG Grant Agreement – Linden Community Schools**

Supervisor Mathis reported that the Fenton Area Cable Television Consortium has approved a grant application from Linden Schools for the purchase of capital equipment. Fenton Township's share of the project cost is \$42,056.95. An agreement has been drafted for board consideration. It was also pointed out that these are funds designated for public, education and government use and are not an expense to the Township.

Motion to approve the Cable PEG Funding Agreement for Linden Community Schools, as presented.

Motion by: Zimmer Seconded: Krug

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

Nays: None Absent: Brown

Motion carried.

### Resolution No. 2007-24, Memorial for Bert Culpepper

Supervisor Mathis announced that Bert Culpepper passed away last week. Mr. Culpepper was a long-time member of the Township's Planning Commission and Zoning Board of Appeals and was very active in the community for many years. A memorial resolution has been drafted in honor of Mr. Culpepper. Clerk Krug presented the following resolution:

#### **RESOLUTION NO. 2007-24**

WHEREAS, former Fenton Township Planning Commissioner Bertram C. Culpepper passed away on July 1, 2007 after a lengthy illness, and

WHEREAS, Mr. Culpepper was a resident of Fenton Township for many years, during which time he contributed greatly to the progress and welfare of the community, most notably as a member of the Fenton Township Planning Commission, Fenton Township Zoning Board of Appeals and the Fenton Township Service Club, and

WHEREAS, Mr. Culpepper served loyally and faithfully as a member of the Fenton Township Planning Commission from 1992 to 2002 and the Zoning Board of Appeals from 1995 to 2001, exhibiting the qualities of vision and leadership throughout his tenure as an appointed official, and

WHEREAS, under Mr. Culpepper's leadership, the Fenton Township Planning Commission helped guide and oversee the growth and development of the Township during a time of significant transition, including the development and adoption of an updated Land Use Plan and an updated Zoning Ordinance, and

WHEREAS, through his leadership role in the Fenton Township Service Club, Mr. Culpepper was instrumental in many activities that raised funds for law enforcement and fire protection services in Fenton Township;

THEREFORE BE IT RESOLVED, that the Fenton Township Board of Trustees hereby honors Bertram C. Culpepper for his valuable contributions to our community, conveys sincere appreciation and gratitude for his dedicated service to the government and citizens of Fenton Township and expresses profound sadness at his passing, and

BE IT FINALLY RESOLVED, that a copy of this resolution be spread upon the minutes of this meeting and a copy sent to Mr. Culpepper's family.

Motion to adopt Resolution No. 2007-24 as presented.

Motion by: Krug Seconded: Mathis

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

Nays: None Absent: Brown

Motion carried. Resolution declared adopted.

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

Les Scott, 12499 Margaret Drive

Mr. Scott questioned the legality of the proposed wetland setback in the Zoning Ordinance. Trustee Tucker explained that the Township's Wetland Ordinance has been determined to be unenforceable by the MDEQ. Establishing a setback in the Zoning Ordinance, however, is legal.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked Trustee Tucker if there were any boating activity problems on Tupper Lake over the holiday. Trustee Tucker responded that the lake was busy but he was not aware of any problems.

Mr. Hawcroft also asked about the Township's request to lower the speed limit on Jennings Road between Lahring and Thompson Roads. Supervisor Mathis confirmed that, based on a study conducted by the Road Commission, a speed limit reduction was not warranted. Mr. Hawcroft also mentioned that there are a number of potholes on Ponemah Drive. Supervisor Mathis will follow up with the Road Commission.

Regarding Trustee Goupil's report, Mr. Hawcroft asked how boating activities would result in a felony arrest. It was clarified that the arrests in question were due to existing outstanding felony warrants, unrelated to the lake activities.

ADJOURN:	Meeting adjourned at 9:50 p.m.		
Bonnie Mathis, Supervisor		Robert Krug, Clerk	
Minutes P	osted 7/10/07		