

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF NOVEMBER 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, Operations  
Manager Broecker and Attorney Cooley

Absent: None

**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:**

Supervisor Mathis stated that County Commissioner Pat Lockwood is in attendance this evening and would like to talk to the board about the county-wide fire authority issue. Operations Manager Broecker reported that Les Scott is out of town this week and asked that his report on the Loose Senior Citizen Center be moved to the 12/3/07 agenda. Motion to approve the 11/19/07 Fenton Township Board Meeting agenda as amended.

Motion by: Tucker

Seconded: Krug

Ayes: All

Nays: None

Motion carried. The agenda is approved.

**MEETING MINUTES:**

Trustee Zimmer asked for a minor revision to the Ice Retardant Ordinance section of the 11/5/07 minutes. The minutes of the 11/5/07 regular meeting stand approved as revised. The minutes of the 11/12/07 workshop meeting stand approved as presented.

**EXPENDITURES:**

Motion to approve expenditures for payment as presented.

Motion by: Zimmer

Seconded: Brown

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

Nays: None

Motion carried.

**PRESENTATION:**

**County Commissioner Pat Lockwood**

Genesee County Commissioner Pat Lockwood addressed the board regarding the concept of a county-wide fire authority. She, along with Commissioners Jamie Curtis and Miles Gadola, have been appointed to a new committee to explore the regional fire authority concept. The committee has not yet met, however this topic will be discussed at the 12/7/07 County Commissioners meeting, beginning at 9:00 a.m. A consultant has been invited to attend this meeting to provide more information. Ms. Lockwood emphasized that the exploration of this issue is only in the very preliminary stages. While a county-wide authority may never materialize, they feel the issue is worthy of investigation.

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Clerk Krug voiced concerns over the potential for a county-wide fire authority. According to individual to whom Mr. Krug spoke, this was started by County Commissioner Rose Bogardus, who invited several fire chiefs to a “secret” meeting to discuss the fire authority concept. It was communicated at that meeting that if the communities with specific fire millages and special assessments could be brought on board, that would increase the availability of funds for the regional authority. The fire chiefs that attended that meeting were also allegedly told to “keep the issue quiet”. Why should Fenton Township join a county-wide regional fire authority when we already have a well-trained, well-equipped fire department with excellent response times? Services like fire protection are sacred to the local communities. Retaining local control is a top priority. To some this county-wide authority idea looks like a “money-grab” by the County, especially in light of concerns over how the senior services millage has been handled. Clerk Krug also expressed concern that the fire chiefs were approached before the elected officials.

Commissioner Lockwood agreed that the elected officials should have been contacted first. Commissioner Curtis did have a follow-up meeting with elected officials and acknowledged that mistake. Ms. Lockwood also re-emphasized that no decisions have been made on this issue. They are simply investigating.

Supervisor Mathis confirmed that she attended a meeting with Commissioners Curtis and Gadola at which they acknowledged their mistake in not approaching the elected officials first. Supervisor Mathis stated that she has many doubts regarding the regional authority concept. Equipment compatibility, use of funding and coordination of services are just a few of the issues with which our township is concerned. The Fenton Township board has spent time discussing the issue and is opposed to a county-wide fire authority, despite the County’s plan to proceed with research.

Treasurer Carmody stated that he would like to see regular communications from the County Commissioners meeting. He also suggested that the Michigan Fire Chiefs Association may be a helpful resource in the County’s research efforts.

Commissioner Lockwood thanked the board for the opportunity to speak this evening. She suggested that the board may want to delay action on the resolution of opposition until after the 12/7/07 meeting, although she would understand if the board proceeds with the adoption of the resolution.

The board thanked Commissioner Lockwood for her attendance.

**PUBLIC HEARINGS:**

None

**REPORTS:**

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

Postponed to 12/3/07.

**Public Safety Update**

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Trustee Goupil briefly reviewed law enforcement statistics for the month of October provided by the Genesee County Sheriff Department.

**Sewer Project Update**

Trustee Tucker reported that the sewer improvements on Garnet Drive should be completed by the end of November. Moffett Drive is next on the schedule, followed by the Crystal Pointe development. Project updates are also available on the Township's website.

**Torrey/Thompson Intersection**

Supervisor Mathis reported that the Genesee County Road Commission has determined that the intersection of Torrey Road and Thompson Road now warrants a full "stop & go" traffic signal. The signal is scheduled to be installed in spring/summer 2008.

**COMMUNICATIONS:**

None

**ADOPTION OF ORDINANCES:**

**Proposed Sign Regulation Ordinance/1<sup>st</sup> Reading**

Supervisor Mathis introduced a proposed new sign regulation ordinance, which was reviewed and discussed at the 11/12/07 workshop meeting. Although it is not a Zoning Ordinance amendment, the Planning Commission has reviewed the proposed ordinance and supports its adoption. There was no public comment. Trustee Brown suggested that the Township Attorney should review the proposed ordinance before adoption to ensure there are no constitutional issues. Attorney Cooley will review the ordinance and report back to the Township prior to the 12/3/07 meeting.

The second reading of the proposed ordinance will be conducted at the 12/3/07 meeting.

**Proposed Zoning Ordinance Amendment – Commercial Recreation Uses/1<sup>st</sup> Reading**

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to designate indoor and outdoor commercial recreation uses as uses permitted by Special Use Permit in the C-2, C-3, M-1, M-2 and M-3 zoning districts. The Planning Commission has conducted a public hearing on the proposed ordinance and has recommended adoption. Trustee Tucker explained that this amendment is a follow-up to the recent amendment regarding commercial indoor recreation. After considerable discussion, the Planning Commission felt that all commercial recreational uses should be permitted by Special Use Permit in both commercial and industrial zoning districts.

Public Comment:

Susan Foland, 11421 Fairbanks Road

Ms. Foland questioned why the Planning Commission approved the indoor motorcycle use on Thompson Road without requiring a Special Use Permit, but has now decided that it made a mistake and is changing the ordinance to require a Special Use Permit. Trustee Tucker stated that he disagreed with the characterization of Ms. Foland's comments. There was never an application before the Planning Commission specifically regarding the indoor motorcycle facility. That proposed use did bring to the Planning Commission's attention the fact that the Zoning Ordinance needed to be revised, and the Planning Commission simply initiated a text amendment to the Zoning Ordinance. That

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amendment was always intended to be a temporary “fix” for the Zoning Ordinance. The details of the proposed indoor motorcycle use were thoroughly reviewed by the Planning Commission and they felt very comfortable that this use was acceptable for the subject property for several reasons:

- The size of the property was sufficient for outdoor motorcycle riding, which could be done without any approvals by the Township.
- The proposed use was less intense than the industrial uses permitted in the M-2 zoning district.
- The building is not close to any homes. The closest property owner was contacted and he felt the proposed use was suitable.

As soon as the Zoning Ordinance amendment was adopted the Planning Commission drafted this new amendment to change all commercial uses to require a Special Use Permit. This was the intent of the Planning Commission from the beginning. The only undecided issue was whether to require a Special Use Permit for all zoning districts or just some. Ultimately the Planning Commission decided to require a Special Use Permit for all affected zoning districts.

Ms. Foland asked if neighboring properties were notified of the proposed Zoning Ordinance amendment. Trustee Tucker responded that no property owners were notified. Again, this was a text amendment that was not specific to any one property. There was no requirement to directly notify any property owners. It was also pointed out again that the use now in place on Thompson Road is less intense than the previous use of the property.

The second reading of the proposed ordinance will be conducted at the 12/3/07 meeting.

**Proposed Zoning Ordinance Amendment – Setbacks in Commercial Zoning Districts/1<sup>st</sup> Reading**

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to establish a side setback requirement in the OS, C-1, C-2 and C-3 zoning districts. The Planning Commission has conducted a public hearing on the proposed ordinance and has recommended adoption. Trustee Tucker stated that the Planning Commission felt that setback requirements were advisable for safety reasons. There was no public comment.

The second reading of the proposed ordinance will be conducted at the 12/3/07 meeting.

**UNFINISHED BUSINESS:**

**Resolution No. 2007-36, Sewer Bond Payment Obligations for 2008**

Operations Manager Broecker reviewed a letter from Genesee County Water & Waste Services requesting a resolution identifying the source of funds for payment of 2007 sewer bond debt obligations.

Clerk Krug presented the following resolution:

**RESOLUTION NO. 2007-36**

*WHEREAS, the Charter Township of Fenton has a need to pay to the County of Genesee the sum of \$2,471,756.82 to meet the bond principal and interest requirements on all bond obligations for sewer facilities in 2008; and*

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*WHEREAS, there are several means by which the funds can be secured to meet this payment requirement; and*

*WHEREAS, all various means of securing these funds have been reviewed and considered;*

*NOW THEREFORE BE IT RESOLVED, by the Charter Township of Fenton, that the monies to meet the principal and interest requirements on all bond obligations for sewer facilities in 2008 will be secured from the following funds.*

<i>Funds Already Available</i>	\$ _____
<i>Tap-In Fees to be Collected</i>	\$ <u>308,000.00</u>
<i>Funds from Monthly Rates for Services</i>	\$ <u>2,081,756.82</u>
<i>General Fund</i>	\$ _____
<i>Ad-Valorem Levy</i>	\$ <u>82,000.00</u>
<i>Other</i>	\$ _____
<b>Grand Total:</b>	<b>\$ <u>2,471,756.82</u></b>

*BE IT FURTHER RESOLVED, that the Township Clerk is hereby directed to forward one (1) copy of this Resolution to the County Agency, and retain one (1) copy for the Fenton Township records.*

Motion to adopt Resolution No. 2007-36 as presented.

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

Motion carried. Resolution declared adopted.

**NEW BUSINESS:**

**Appointments to Fenton Township Zoning Board of Appeals**

Supervisor Mathis reported that the terms for three seats on the Zoning Board of Appeals will expire at the end of November. Les Scott and Jim Cady have indicated a strong desire to be re-appointed to the ZBA. Randy Thompson has asked that he not be considered for re-appointment. At the 11/12/07 workshop meeting the board reviewed four potential candidates and also discussed the possibility of appointing a second alternate member to the ZBA.

Motion to re-appoint James R. Cady to the Fenton Township Zoning Board of Appeals for the term ending November 30, 2010.

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

Motion carried.

Motion to re-appoint Leslie D. Scott to the Fenton Township Zoning Board of Appeals for the term ending November 30, 2010.

Motion by: Goupil  
 Seconded: Brown

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Ayes: Mathis, Krug, Carmody, Goupil, Brown, Tucker, Zimmer  
Nays: None  
Motion carried.

Motion to appoint K.C. Baran to the Fenton Township Zoning Board of Appeals for the term ending November 30, 2010.

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

Motion to appoint James D. McGuirk as an alternate member of the Fenton Township Zoning Board of Appeals for the term ending November 30, 2010.

Motion by: Tucker  
Seconded: Krug  
Ayes: Mathis, Krug, Carmody, Goupil, Brown, Tucker  
Nays: Zimmer  
Motion carried.

**Proposed 2008 GIS Services Agreement – North Arrow Technologies**

Operations Manager Broecker reviewed the proposed GIS services agreement with North Arrow Technologies for 2008. In addition to the standard GIS services and updates, North Arrow will also continue to maintain the Township's website. The total projected cost for 2008 is approximately \$59,000.00, the same as the 2007 contract.

Motion to approve the 2008 GIS services agreement with North Arrow Technologies Inc., as presented.

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

**Resolution No. 2007-37, Opposing County-Wide Regional Fire Authority**

Supervisor Mathis reported that, as discussed with Commissioner Pat Lockwood earlier this evening, the Genesee County Board of Commissioners is exploring the concept of a county-wide regional fire authority. Most municipalities in Genesee County are opposed to such a concept. A county-wide authority would remove the control and decision making authority from the local units of government and could potentially result in communities like Fenton Township subsidizing fire protection services in other municipalities. A resolution has been drafted to formally convey the Township Board's opposition to a county-wide regional fire authority.

Clerk Krug suggested that research should be done to determine if the County has the legal right to create a county-wide authority.

Trustee Tucker stated that, in light of attempts to remove assessing, tax collection and election authority from townships earlier this year, this has the appearance of another "power grab". He is concerned that the concept of regionalization assumes cost savings

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and efficiency improvements, when that is not necessarily the case. He is opposed to the concept of a county-wide fire authority today, but will keep an open mind.

Trustee Zimmer noted that the Township already has too many issues that are beyond our control, (traffic signals, etc.). It is not in the best interests of the Township to give up local control.

Treasurer Carmody stated that the idea that “bigger is better” is not always true. He supports adopting the resolution of opposition.

Clerk Krug presented the following resolution:

**RESOLUTION NO. 2007-37**

*WHEREAS, the Genesee County Board of Commissioners is considering the creation of a regional fire authority administered by the Genesee County Board of Commissioners or its assigns to provide fire fighting services to county residents, and*

*WHEREAS, the individual municipalities of Genesee County have historically provided fire protection services to their residents or entered into joint fire operation agreements with one or more neighboring municipalities, and*

*WHEREAS, the individual municipalities have further entered into mutual aid agreements with neighboring municipalities, which may be outside the jurisdictional boundaries of Genesee County, and*

*WHEREAS, the individual municipalities have statutory authority to fund their fire departments separately or jointly, and*

*WHEREAS each municipality maintains a budget to provide the approximate level of service for its population and land use characteristics;*

*NOW, THEREFORE, BE IT RESOLVED, that the Charter Township of Fenton hereby opposes the formation of a county-wide regional fire authority.*

Motion to adopt Resolution No. 2007-37 as presented.

Motion by: Krug

Seconded: Carmody

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

Nays: None

Motion carried. Resolution declared adopted.

**Schedule Public Hearing for 2008 Budget**

Supervisor Mathis noted that an updated draft of the 2008 Fenton Township budget was distributed to the Township Board this evening. A public hearing is required before the board can take formal action to adopt the budget. Operations Manager Broecker has recommended that the board schedule the public hearing for the December 3, 2007 meeting.

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Motion to schedule a public hearing for Monday December 3, 2007 to review the proposed 2008 Fenton Township Budget.

Motion by: Tucker

Seconded: Krug

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

Nays: None

Motion carried.

**Resolution No. 2007-38, Memorial for Former Trustee Betty Anne Wolfe**

Supervisor Mathis reported that the Township received word last week that former Township Trustee and long-time Lake Fenton school teacher Betty Anne Wolfe passed away on November 6th. A memorial resolution has been prepared to honor Mrs. Wolfe for her contributions to the community.

Clerk Krug presented the following resolution:

**RESOLUTION NO. 2007-38**

*WHEREAS, former Fenton Township Trustee Betty Anne Wolfe passed away suddenly on November 6, 2007, and*

*WHEREAS, Mrs. Wolfe was a resident of Fenton Township for many years, during which time she contributed greatly to the progress and welfare of the community, most notably as a teacher in the Lake Fenton School District and as a Township Trustee, and*

*WHEREAS, Mrs. Wolfe served loyally and faithfully as a Trustee on the Fenton Township Board from June 1996 to November 1996, exhibiting the qualities of vision and leadership throughout her brief tenure as a Trustee, and*

*WHEREAS, as a kindergarten teacher in the Lake Fenton school district, Mrs. Wolfe contributed greatly to the education and development of thousands of students and touched the lives of many people throughout the community;*

*NOW, THEREFORE, BE IT RESOLVED, that the Fenton Township Board of Trustees hereby honors Betty Anne Wolfe for her valuable contributions to our community, conveys sincere appreciation and gratitude for her dedicated service to the government and citizens of Fenton Township and expresses profound sadness at her passing, and*

*BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the minutes of this meeting and a copy sent to Mrs. Wolfe's family.*

Motion to adopt Resolution No. 2007-38 as presented.

Motion by: Krug

Seconded: Mathis

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

Nays: None

Motion carried. Resolution declared adopted.

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

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Ed Collins, 13056 Harbor Landings Drive

Mr. Collins repeated his prior concerns about the fire protection contract with Tyrone Township. He believes that the Township does not charge enough to cover its costs. Since the current contract is expiring in a few months, the Township should look to increase this charge. Supervisor Mathis stated that the Public Service Committee will be working on the new agreement and those concerns will be taken into consideration.

**ADJOURN:** Meeting adjourned at 9:05 p.m.

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 11/20/07**