

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF NOVEMBER 24, 2008**

**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, Tucker, Brown, Goupil, Hill, Kesler, Attorney Cooley and
Operations Manager Broecker

Absent: None

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

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

Supervisor Mathis also welcomed the newest members of the Township Board – Trustees Ken Hill and Rob Kesler.

APPROVAL OF AGENDA:

Motion to approve the 11/24/08 Fenton Township Board Meeting agenda as presented.

Motion by: Brown

Seconded: Tucker

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 11/3/08 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures for payment as presented.

Motion by: Tucker

Seconded: Brown

Ayes: Mathis, Krug, Tucker, Brown, Goupil, Hill, Kesler

Nays: None

Motion carried.

REPORTS:

Election Report

Clerk Krug reported that Fenton Township had a total voter turnout of over 76% for the 11/3/08 General Election. The voting process at the precincts was very smooth all day. Nearly 900 voters were processed during the first hour, with a maximum waiting/processing time of 40-45 minutes. After the first hour 15-20 minutes was the normal processing time from start to finish. Treasurer Tucker commended Clerk Krug and Operations Manager Broecker for their efforts in administering a well-organized election.

Legal Update

Attorney Cooley provided a brief history of the Land's Edge Inc. litigation, which included an appeal of a ZBA denial and a takings lawsuit. He reported that Judge Farah had overturned the ZBA decision and, rather than face an appeal by the Township of that decision, the plaintiff has dismissed the lawsuit with prejudice.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF NOVEMBER 24, 2008**

PUBLIC HEARINGS:

None

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Proposed Zoning Ordinance Amendment-Adult Foster Care/1st Reading

Supervisor Mathis introduced a proposed amendment to the Zoning Ordinance to establish Adult Foster Care Homes as uses permitted by special use permit in the C-1 and C-2 zoning districts. Treasurer Tucker stated that, while locating an adult foster care home in a residential district can sometimes be controversial, locating in a commercial district usually is not. This amendment would simply allow such uses, subject to a special use permit, in the C-1 and C-2 zoning districts. The Planning Commission has recommended adoption of the amendment.

There was no public comment. The second reading of the proposed ordinance will be conducted at the 12/8/08 meeting.

Proposed Zoning Ordinance Amendment-Commercial Kennels/1st Reading

Supervisor Mathis introduced a proposed amendment to the Zoning Ordinance to add commercial dog kennels as a use permitted by special use permit in the AG zoning district. Treasurer Tucker stated that commercial kennels are already permitted in commercial districts. The Planning Commission felt that the use is also appropriate in the AG district, subject to the approval of a special use permit. The Planning Commission has recommended adoption of the amendment.

There was no public comment. The second reading of the proposed ordinance will be conducted at the 12/8/08 meeting.

Proposed Zoning Ordinance Amendment-Fences/1st Reading

Supervisor Mathis introduced a proposed amendment to the Zoning Ordinance to clarify provisions regarding fences. Treasurer Tucker stated that the proposed amendment simply "cleans up" the existing language. The Planning Commission has recommended adoption of the proposed amendment.

There was no public comment. The second reading of the proposed ordinance will be conducted at the 12/8/08 meeting.

Proposed Zoning Ordinance Amendment-Temporary Structures/1st Reading

Supervisor Mathis introduced a proposed amendment to the Zoning Ordinance to add definitions, general provisions and sight line provisions for Membrane Storage Structures and Portable On-Demand Storage Structures. Treasurer Tucker stated that the proposed amendment has been re-worked since the board last reviewed it in an attempt to address concerns raised by the board. The Zoning Ordinance does not currently have any regulations regarding these types of structures.

Public Comment:

Susan Foland, 11421 Fairbanks Road

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF NOVEMBER 24, 2008**

Noting that the proposed amendment allows for certain types of temporary structures for a total of 10 days one time each year, Ms. Foland asked how this would be handled if a property owner had more than one outdoor event (i.e. wedding reception and graduation open house) in the same year. Treasurer Tucker stated that this would not likely be an enforcement issue unless the Township received a complaint. Ms. Foland also asked if there would be a fee for temporary structures. Treasurer Tucker stated that, since a permit is required, a fee would likely be charged, although that fee has not yet been determined. Ms. Foland stated that she is opposed to charging a fee.

Robert Canning, 1381 Edgewater Drive

Mr. Canning stated that some of the temporary structures may be due to the inability of the property owner to construct an accessory structure under the existing Zoning Ordinance provisions. He believes the Zoning Ordinance should be amended to allow more accessory structures. Mr. Canning asked if the Township is receiving complaints about temporary structures. Supervisor Mathis confirmed that the Township does receive complaints about these structures, which is what led to the proposed ordinance being drafted.

David Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked if the proposed amendment includes a size limitation for the membrane structures. Supervisor Mathis confirmed that the proposed amendment limits these types of structures to 400 square feet.

Trustee Brown stated that, while he supports amending the Zoning Ordinance to define these types of temporary structures, he does not care to regulate them. He favors changing the ordinance to allow more accessory structures, which may reduce the use of temporary structures. He would like to address that issue before taking action on regulations for the temporary structures.

Trustee Hill voiced similar concerns, adding that enforcement could become difficult.

The second reading of the proposed ordinance will be tentatively scheduled for the 12/8/08 meeting, but may be delayed until after it can be discussed at a workshop meeting.

Proposed Zoning Ordinance Amendment-Site Plan Escrow/1st Reading

Supervisor Mathis introduced a proposed amendment to the Zoning Ordinance to add an escrow requirement option to the site plan review process. Treasurer Tucker stated that this amendment would require developers to provide upfront funding for plan review fees. The Planning Commission has recommended adoption of the amendment.

There was no public comment. The second reading of the proposed ordinance will be conducted at the 12/8/08 meeting.

UNFINISHED BUSINESS:

Resolution No. 2008-22, Purchase of Tax-Reverted Property

Treasurer Tucker reviewed a proposed agreement to purchase foreclosed property, specifically a large wetland area between Squaw Lake and Lake Ponemah. The purchase price of \$5,904.54 represents the amount of back taxes owed on the property. The land will be turned into a conservation area, thereby ensuring that it will never be developed. While the land itself is mostly wetland, an adjacent property owner could try

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF NOVEMBER 24, 2008**

to use the lake frontage on the subject parcel to justify more boat slips. Trustee Brown commended Treasurer Tucker for his foresight in recommending acquisition of this property.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2008-22

WHEREAS, the Michigan General Property Tax Act (1893 PA 206, as amended) provides that tax reverted parcels may be purchased by the local unit of government in which the property is located prior to the mandatory yearly auctions, provided that the property is utilized for a public purpose., and

WHEREAS, said public act also sets the purchase price, or "minimum bid" as an amount equal to the amount of back property taxes owed on the subject property, and

WHEREAS, there is one such tax reverted parcel of land located in the Charter Township of Fenton – parcel 06-22-100-003, and

WHEREAS, it has been determined that retaining ownership of this property would be in the best interests of the Township, and

*WHEREAS, a **Notice of Election to Purchase Foreclosed Property** has been drafted between the Charter Township of Fenton and the Genesee County Treasurer, which includes the purchase price of \$5,904.54, a deed filing fee of \$14.00 and a clause to indemnify the County of Genesee and Genesee County Treasurer Daniel T. Kildee;*

NOW, THEREFORE, BE IT RESOLVED, that the Charter Township of Fenton Board of Trustees hereby approves the notice of purchase for parcel 06-22-100-003 from the County of Genesee with a purchase price of \$5,904.54, and

*BE IT FURTHER RESOLVED, that the Township Supervisor and Township Clerk are hereby authorized to execute said **Notice of Election to Purchase Foreclosed Property** on behalf of the Charter Township of Fenton, and*

BE IT FINALLY RESOLVED, that a copy of this resolution shall be forwarded to the office of the Genesee County Treasurer.

Motion to adopt Resolution No. 2008-22 as presented.

Motion by: Krug

Seconded: Tucker

Ayes: Mathis, Krug, Tucker, Brown, Goupil, Hill, Kesler

Nays: None

Motion carried. Resolution declared adopted.

Schedule Workshop Meeting

After a brief discussion the board scheduled a workshop meeting for 12/1/08, beginning at 7:30 p.m.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF NOVEMBER 24, 2008**

The meeting was recessed at 8:25 p.m.
Treasurer Tucker left the meeting at 8:25 p.m.
The meeting reconvened at 8:30 p.m.

NEW BUSINESS:

2008-09 Law Enforcement Service Agreement – Genesee Co. Sheriff Department

Supervisor Mathis reviewed a proposed agreement for law enforcement services for 2008-09. The total contract cost of \$596,184 includes five full-time deputies and two vehicles, and represents an increase of approximately 10% over the previous year. The increase is due to increased benefit costs and the implementation of an Intergovernmental Service Fee.

Trustee Goupil asked to be allowed to abstain from voting on the agreement. Although there is no direct conflict of interest, since Trustee Goupil is a Genesee County Sheriff Deputy/Paramedic, his voting on the agreement may be perceived as a conflict of interest.

Motion to allow Trustee Goupil to abstain from voting on the law enforcement service agreement with the Genesee County Sheriff Department.

Motion by: Krug
Seconded: Mathis
Ayes: Mathis, Krug, Goupil, Hill, Kesler
Nays: Brown
Absent: Tucker

Motion failed.

Motion to approve the 2008-09 Law Enforcement Services Agreement with the Genesee County Sheriff Department as presented, and to authorize the Township Supervisor and Township Clerk to execute said agreement on behalf of Fenton Township.

Motion by: Brown
Seconded: Hill
Ayes: Mathis, Krug, Brown, Goupil, Hill, Kesler
Nays: None
Absent: Tucker

Motion carried.

State Representative-Elect Paul Scott

Supervisor Mathis acknowledged the attendance of newly elected State Representative Paul Scott. Mr. Scott expressed gratitude to the citizens of Fenton Township for supporting his campaign. He will work hard in Lansing to protect local government interests. He plans to hold regular office hours here at the Fenton Township Hall in order to be able to meet with Township residents and officials. There will be a formal swearing-in ceremony on 12/15/08 at 7:00 p.m. at Grand Blanc High School. The public is invited.

Appointments to Fenton Township Zoning Board of Appeals

Supervisor Mathis reminded the board that there are two seats open on the Zoning Board of Appeals as of the end of November. Michele Spear and Mike Miller have asked not to be considered for re-appointment. An ad was placed in the local newspaper and a notice was posted on the website seeking applicants to fill these seats. The Township received a total of 4 applicants, who were all interviewed last week. Based on their

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF NOVEMBER 24, 2008**

qualifications Supervisor Mathis is recommending the appointment of Christine Reid and Michael Finch to fill these positions. Ms. Reid is a paralegal for Flagstar Bank and Mr. Finch is a former member of the ZBA.

Motion to appoint Christine M. Reid to the Fenton Township Zoning Board of Appeals for the term ending November 30, 2011.

Motion by: Krug
Seconded: Brown
Ayes: Mathis, Krug, Brown, Goupil, Hill, Kesler
Nays: None
Absent: Tucker

Motion carried.

Motion to appoint Michael D. Finch to the Fenton Township Zoning Board of Appeals for the term ending November 30, 2011.

Motion by: Hill
Seconded: Brown
Ayes: Mathis, Krug, Brown, Goupil, Hill, Kesler
Nays: None
Absent: Tucker

Motion carried.

Resolution No. 2008-23, December Board of Review Meeting Date

Operations Manager Broecker reported that a recent change in Michigan law now gives local units of government the option of changing the date of the December Board of Review meeting to any day during the week of the second Monday in December. The Board of Review has requested that this year's meeting be scheduled for Monday 12/8/08. A resolution has been prepared to formally approve this change. Clerk Krug presented the following resolution:

RESOLUTION NO. 2008-23

WHEREAS, Public Act 122 of 2008 grants the authority to the Township board to authorize, by adoption of an ordinance or resolution, an alternative meeting date for the December Board of Review, and

WHEREAS, said PA 122 allows the alternative meeting date to be any day during the week of the second Monday in December;

NOW, THEREFORE, BE IT RESOLVED, that the Charter Township of Fenton Board of Trustees hereby designates Monday December 8, 2008 as the meeting date for the Fenton Township Board of Review.

Motion to adopt Resolution No. 2008-23 as presented.

Motion by: Krug
Seconded: Brown
Ayes: Mathis, Krug, Brown, Goupil, Hill, Kesler
Nays: None
Absent: Tucker

Motion carried. Resolution declared adopted.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF NOVEMBER 24, 2008**

2009 Fenton Township Meeting Schedule

Supervisor Mathis noted that a proposed 2009 meeting schedule was reviewed at the last meeting. Both the Zoning Board of Appeals and Planning Commission have now had the opportunity to review the schedule as well. The schedule now needs to be formally adopted.

Motion to adopt the 2009 Fenton Township meeting schedule as presented.

Motion by: Brown
Seconded: Krug
Ayes: Mathis, Krug, Brown, Goupil, Hill, Kesler
Nays: None
Absent: Tucker

Motion carried.

Schedule Public Hearing for 2009 Budget

Supervisor Mathis noted that an updated draft of the proposed 2009 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 12/8/08 meeting.

Motion to schedule a public hearing for Monday December 8, 2008 to review the proposed 2009 Fenton Township Budget.

Motion by: Hill
Seconded: Krug
Ayes: Mathis, Krug, Brown, Goupil, Hill, Kesler
Nays: None
Absent: Tucker

Motion carried.

BOARD COMMENT:

Several of the returning board members welcomed the newest members – Trustees Hill and Kesler.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Richard Steinhoff, 4436 Island View Drive

Mr. Steinhoff congratulated the board members on their election/re-election and wished them well.

Robert Canning, 1382 Edgewater Drive

Mr. Canning asked if the Township had made any progress in securing low-interest financing from the DEQ. Supervisor Mathis responded that the Township recently met with a representative from the DEQ regarding State Revolving Fund (SRF) financing. The information is still being reviewed and cost estimates prepared. The Township will ultimately have to determine if the additional cost of developing the plan required by the DEQ will be offset by any interest savings. Mr. Canning also repeated his earlier concerns regarding the financial status of the Sewer Fund.

Dave Hawcroft, 3302 Ponemah Drive

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF NOVEMBER 24, 2008**

Mr. Hawcroft asked about the difference between adult foster care homes and assisted living. Supervisor Mathis stated that assisted living facilities are more like apartments with the residents having a large degree of independence. Adult foster care homes are group homes and the residents are usually handicapped individuals.

ADJOURN: Meeting adjourned at 8:55 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 11/26/08