

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF SEPTEMBER 7, 2010**

**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, Kesler, Attorney Cooley and
Operations Manager Broecker

Absent: Hill

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 9/7/10 Fenton Township Board Meeting agenda as presented.

Motion by: Brown

Seconded: Tucker

Ayes: All Present

Nays: None

Absent: Hill

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 8/16/10 regular meeting stand approved as presented.

EXPENDITURES:

Supervisor Mathis briefly reviewed the list of expenditures, which totals over \$600,000.00. Treasurer Tucker pointed out that \$400,000.00 of that total is the first payment for the Jennings Road reconstruction project. Motion to approve invoices and expenditures for all funds totaling \$690,365.77 for payment as presented.

Motion by: Brown

Seconded: Tucker

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

Nays: None

Absent: Hill

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

Fire Department

Trustee Goupil read a letter from Fenton Township resident Shannon Warner, thanking the Fenton Township Fire Department for their quick response to a medical emergency involving her young son. She bestowed high praise on the Fire Department for their dedication and their caring and professional attitude.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF SEPTEMBER 7, 2010**

Proposed Zoning Ordinance Amendment – Parking Spaces/2nd Reading

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to revise the definition of parking space, which was introduced at the 8/16/10 meeting. The proposed definition change also requires a change to the language regarding submission of site plans in Article 8. Treasurer Tucker explained that the revised definition includes larger parking spaces intended for vehicles with attached trailers. The section regarding site plan requirements simply incorporates the expanded definition. There was further discussion.

Motion to adopt Ordinance No. 727, and amendment to Articles 2 and 8 of Zoning Ordinance No. 594 to revise language relative to parking spaces, as presented.

Motion by: Tucker

Seconded: Brown

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

Nays: None

Absent: Hill

Motion carried. Ordinance declared adopted.

Rezoning #R10-002, AGE Inc. parcels 06-11-200-027, 06-11-200-028 and 06-11-200-029; Conditional Rezoning from PUD to R-6/1st Reading

Supervisor Mathis introduced a proposed conditional rezoning amendment to rezone three parcels adjacent to North Long Lake Road from PUD to R-6, for the purpose of developing an assisted living facility next to the existing “Pines of Lake Fenton” facility on North Long Lake Road.

Treasurer Tucker gave a brief history of the subject property. The original PUD plan included a total of 8 units. The developer later modified the plan to include only 4 units, with two private drives servicing 2 units each. Only one home has been constructed. The applicant originally requested a “standard” rezoning to R-6, however the Planning Commission was not comfortable with the wide range of uses permitted in this zoning district. The applicant then modified their request to be a conditional rezoning, with an assisted living facility being the only permitted use of the property. The Planning Commission recommended approval of the rezoning by a 4-1 vote. Planning Commissioner Tom Richard, who was in the audience, stated that he voted against the rezoning due to the impact on the neighboring property.

Public comment:

The following individuals commented on the proposed rezoning:

Jeff Moffett, 12246 Mantawauka Drive
Evie Moffett, 2181 Lilac Lane
Cathy Horan, 2371 Golfview Circle
Scott Gormley, 2486 Crane Wood Drive

Their concerns included:

- A commercial facility should not be located so close to a residence.
- The existing home was purchased by the Moffett’s with the expectation that the surrounding properties would be developed as single-family homes.
- The proposed location of the driveway for the new facility is too close to the existing home (safety & noise concerns).

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF SEPTEMBER 7, 2010**

- If the zoning is approved it will increase the likelihood that the project will ultimately be approved.

Michael Jablonski, a partner in the proposed project, provided an overview of assisted living and memory care facilities. They currently have similar facilities in Genesee, Lapeer and Oakland Counties. They wish to establish a memory care facility to complement their existing assisted living facility. He acknowledged the concerns with the driveway location and submitted revised drawings showing the driveway located immediately east of their existing building or behind the existing structure. Based on their preliminary review it would be cost prohibitive to place the driveway behind the existing building.

Clerk Krug asked if was feasible for the applicants to purchase the Moffett's home and use all of the property for their business. Mr. Jablonski responded that such an approach is not in their budget.

Trustee Brown asked how many emergency medical runs are made to their facilities. Randy Legault, another project partner, responded that their facilities average 2-3 emergency medical runs per month.

Treasurer Tucker explained that the zoning decision is not necessarily an approval of the project. If the conditional zoning is approved, the applicants must still obtain a special use permit and site plan approval from the Planning Commission. If the Planning Commission is not satisfied with either the special use permit information or the site plan, the project cannot be built, and the zoning would revert back to PUD.

The second reading of the proposed ordinance will be conducted at the 9/20/10 meeting.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Resolution No. 2009-26, Scheduling Hearing for 2010 Fire Protection Special Assessment Roll

Supervisor Mathis reported that the 2010 Fenton Township Fire Protection Special Assessment Roll has been prepared, certified and filed with the Township Clerk. In keeping with past practice and policy, a public hearing needs to be scheduled for the second meeting of September for said special assessment roll. The proposed roll maintains the assessment amount at \$65 per parcel. A resolution has been prepared to formally schedule the public hearing.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2010-26

WHEREAS, the Supervisor and assessing officer of Fenton Township has, in accordance with the Resolution of the Fenton Township Board and the laws and statutes pertinent thereto, prepared a special assessment roll in the total amount of \$532,545.00, covering all parcels of land within the Fenton Township Fire Protection Special Assessment District, and has affixed thereto her Certificate as required by said Resolution;

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF SEPTEMBER 7, 2010**

THEREFORE BE IT RESOLVED, that said special assessment roll shall be filed with the Township Clerk and shall be available for public examination during regular business hours of regular business days from the present date until the public hearing upon the same and shall further be examined at such public hearing, and

BE IT FURTHER RESOLVED, that the Fenton Township Board shall meet at 7:30 p.m. on September 20, 2010 at the Fenton Township Civic Community Center located at 12060 Mantawauka Drive, within the Township, to review such special assessment roll and hear any objections thereto, and

BE IT FURTHER RESOLVED, that the Township Clerk shall cause notice of such hearing and the filing of such assessment roll to be published in a newspaper of local circulation not less than five (5) days prior to the hearing, in accordance with the law and statute provided.

Motion to adopt Resolution No. 2010-26 as presented.

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

Motion carried. Resolution declared adopted.

Award of Contract – Fenton Township Civic Community Center Parking Lot Reconstruction Project

Supervisor Mathis reported that the Township received 12 bids for the parking lot reconstruction project. She reviewed a letter from the Township Engineer recommending awarding the contract to the low bidder, L. Zeller & Sons Excavating, Inc. One of the options included in the bid, a stamped concrete Township logo, would cost over \$10,000 and it is recommended that this option be removed to reduce costs.

Motion to award the contract for the reconstruction of the Fenton Township Civic Community Center parking lot to L. Zeller & Sons Excavating, Inc., in the amount of \$127,209.40, as recommended by the Township Engineer.

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

Motion carried.

2011-2014 Trash Collection Proposals

Operations Manager Broecker reported that the Township released a Request for Proposals (RFP) for township-wide trash collection services in July. Proponents were asked to submit 4-year cost proposals based on maintaining the current level of services, (trash, recycling and composting), and also given the option of submitting an alternate proposal that would include a recycling rewards program. Three companies submitted proposals: Richfield Equities, LLC, Waste Management and Republic Services (our current service provider). All three companies submitted proposals both with and without the recycling rewards program. Additionally, Republic Services has

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF SEPTEMBER 7, 2010**

submitted several other alternate proposals for possible consideration. A detailed review of the proposals identified of the following deficiencies:

Richfield Equities, LLC

- Surety Letter regarding performance bond not provided.
(Richfield has indicated they are unable to provide the required performance bond.)
- Financial statements not provided.
(Richfield has indicated that they do not wish to make their financial statements public but can make them available for review by the Township.)
- Certificate of insurance coverages not provided.
(Insurance certificate received after bid deadline.)

Waste Management

- No deficiencies

Republic Services

- No deficiencies

Since it did not comply with all requirements of the RFP it is recommended that the proposal from Richfield Equities LLC be removed from consideration. Of the two remaining proposals Republic Services has the lowest cost and, as the Township's current provider, they have been doing an excellent job. It is recommended that the 2011-2014 trash collection contract be awarded to Republic Services, subject to final negotiation of the contract details, (due to the alternate proposals submitted for consideration).

Treasurer Tucker noted that the proposed costs, with no service enhancements, are actually less than the Township pays under the current contract.

Clerk Krug suggested that a workshop meeting be scheduled to work out the final contract details.

Motion to award the 2011-2014 trash collection contract to Republic Services as presented, subject to negotiation of service details and options, and provided that the trash collection assessment renewal is approved by the voters at the November 2, 2010 General Election.

Motion by: Krug

Seconded: Brown

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

Nays: None

Absent: Hill

Motion carried.

BOARD COMMENT:

Clerk Krug reported that he is serving on a committee through Lake Fenton Community Schools to raise funds for playground equipment for pre-school students. Anyone interested in donating can make checks payable to Lake Fenton Community Schools.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF SEPTEMBER 7, 2010**

Supervisor Mathis reported that the Township beach has reopened as e-coli levels have dropped to acceptable levels. She also noted that a beach in the City of Fenton on the south end of Lake Fenton was also closed due to e-coli levels.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

David Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked about the parking lot project. Operations Manager Broecker stated that the project includes a complete reconstruction of the parking lot, which will comply with the site plan approved by the Planning Commission when the Township Hall was renovated in 2002. A copy of the plans is available for review at the Township office.

ADJOURN: Meeting adjourned at 9:30 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 9/8/10