

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 20, 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, Hill (arrived 7:45 p.m.), Kesler,  
Attorney Cooley and Operations Manager Broecker

Absent: None

**PLEDGE OF ALLEGIANCE:**

Supervisor Mathis led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Motion to approve the 9/20/10 Fenton Township Board Meeting agenda as presented.

Motion by: Tucker

Seconded: Goupil

Ayes: All Present

Nays: None

Absent: Hill

Motion carried. The agenda is approved.

**MEETING MINUTES:**

The minutes for the 9/7/10 regular meeting stand approved as presented.

**EXPENDITURES:**

Motion to approve invoices and expenditures for all funds totaling \$740,921.12 for payment as presented.

Motion by: Tucker

Seconded: Brown

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

Nays: None

Absent: Hill

Motion carried.

**PUBLIC HEARINGS:**

**Fenton Township Fire Protection Special Assessment District / Hearing on 2010  
Special Assessment Roll**

Supervisor Mathis opened the public hearing on the 2010 Fenton Township Fire Protection Special Assessment Roll. The annual assessment remains unchanged at \$65.00 per parcel. There was no public comment. Clerk Krug presented the following resolution:

**CHARTER TOWNSHIP OF FENTON  
RESOLUTION NO. 2010-27**

*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 raising money by special assessment for furnishing fire protection and purchasing and housing equipment, and for the operation of same, and*

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*WHEREAS, such public hearing was preceded by a notice published in a newspaper of general circulation in the Township, and*

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

*WHEREAS, all present at said public hearing were given the opportunity to be heard in the matter, 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 presented, to be correct, just and reasonable;*

*NOW, THEREFORE, BE IT RESOLVED, that the assessment roll submitted by the Supervisor and assessing officer of the Township shall hereafter be designated as the Fenton Township Special Assessment Roll No. 2010-4 and shall hereby be confirmed as the 2010 assessment roll for the Fenton Township Fire Protection Special Assessment District, and*

*BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2010-4 shall be due and payable on December 1, 2010, and*

*BE IT FURTHER RESOLVED, if any special assessment is not paid when due, then the special assessment shall be considered to be delinquent and there shall be collected, in addition to interest as provided by this section, 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 Public Act 188 of 1954, as amended, and*

*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, and*

*BE IT FINALLY 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. 2010-27 as presented.

Motion by: Krug

Seconded: Tucker

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

Nays: None

Absent: Hill

Motion carried. Resolution declared adopted.

**REPORTS:**

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Trustee Brown reported that a suspicious individual was reported to be in the area near Torrey Grove Court and Golfview Circle. Residents are urged to be wary of strangers in their neighborhoods.

**COMMUNICATIONS:**

None

**ADOPTION OF ORDINANCES:**

**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-6/2<sup>nd</sup> Reading**

Supervisor Mathis reviewed a proposed conditional rezoning amendment, which was introduced at the 9/7/10 meeting, 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.

Mike Jablonski, attorney for the developer and partner in the project, stated that the developer has looked into the concept of constructing a fence along the proposed driveway to buffer the Moffett's home. The suggestion to move the access to the west side of the existing building, however, is not economically feasible. If that will ultimately be a requirement to the project, they will not move forward and the board should vote accordingly.

Treasurer Tucker clarified that the zoning question is not the final decision in the development process. If the zoning is approved, the developer must still gain approval for a special use permit from the Planning Commission, which may include conditions. If the special use permit is approved, the developer must then secure site plan approval from the Planning Commission. An approval of the conditional rezoning request is no guarantee that the project will be developed. The rezoning decision should be based on the proposed use and not site plan details.

Supervisor Mathis stated that she is weighing the proposed use with the approved use that includes 3 additional homes on the site. She also believes that there is room to move the driveway behind the existing building.

Trustee Brown stated that the owners of the existing house purchased their property with the understanding that the only thing that might be built next to them would be three additional homes. Changing the rules by granting a rezoning would not be fair to those property owners.

Treasurer Tucker clarified that there are no absolute certainties when it comes to land use. The rules can always change. The only way to control the development of property is to own it yourself.

Supervisor Mathis asked Evie Moffett, owner of the existing house, her opinion of the issues discussed. Ms. Moffett stated that she and her husband would prefer home be built on the subject property. They are very opposed to the proposed driveway next to their house. If the project were to be approved, a fence would be better than nothing.

Motion to adopt an amendment to Zoning Ordinance No. 594 to conditionally rezone parcels 06-11-200-027, 06-11-200-028 and 06-11-200-029 from PUD to R-6, as presented.

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Motion by: Mathis  
Seconded: Tucker  
Ayes: Mathis, Tucker, Hill  
Nays: Krug, Brown, Goupil, Kesler  
Motion failed. The proposed rezoning is denied.

**UNFINISHED BUSINESS:**

**Schedule Election Commission Meeting – 10/4/10**

Clerk Krug reported that an Election Commission meeting has been scheduled for 10/4/10 at 7:00 p.m., immediately preceding the Township Board meeting.

**Schedule Workshop Meeting**

Supervisor Mathis stated that she would like to schedule a workshop session to meet with representatives from Republic Services regarding various options for our new trash collection contract. The proposed 2011 meeting schedule will also be on the workshop agenda. After a brief discussion the board agreed to schedule the meeting for Monday 9/27/10 at 7:30 p.m.

**NEW BUSINESS:**

**Resolution No. 2010-28, GCRC Permit for LFHS Homecoming Parade**

Supervisor Mathis reported that Lake Fenton High School wishes to hold their annual Homecoming Parade along North Long Lake Road between Torrey Road and Fenton Road. The date of the parade is Friday October 15th. The Genesee County Road Commission requires the Township Board to authorize the appropriate application. A resolution has been prepared for that authorization.

Clerk Krug presented the following resolution:

**RESOLUTION NO. 2010-28**

*WHEREAS, Lake Fenton High School wishes to make application to the Genesee County Board of Road Commissioners for a permit to hold a Homecoming Parade within the road right-of-way of North Long Lake Road, and*

*WHEREAS, approval of the local unit of government, by resolution, is required to obtain said permit;*

*NOW, THEREFORE, BE IT RESOLVED, that Lake Fenton High School is hereby authorized to make application to the Genesee County Road Commission on behalf of the Charter Township of Fenton in the county of Genesee, Michigan for the necessary permit(s) to:*

*Hold a Homecoming Parade on Friday October 15, 2010, between the hours of 4:00 p.m. and 6:00 p.m.*

*within the right-of-way of North Long Lake Road, between Torrey Road and Fenton Road, as requested.*

Motion to adopt Resolution No. 2010-28 as presented.

Motion by: Krug  
Seconded: Goupil

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Ayes: Mathis, Krug, Tucker, Brown, Goupil, Hill, Kesler  
Nays: None  
Motion carried. Resolution declared adopted.

**FACT Consortium Grant Approval**

Operations Manager Broecker reviewed a memo from the Fenton Area Cable Television (FACT) Consortium. All three local school districts have submitted PEG grant applications to the consortium, which has subsequently approved them. The consortium is requested that the Fenton Township Board approve its share of the funding, which totals \$35,479.29. It was emphasized that these funds are provided under the video franchise agreements with Charter and AT&T, and are not a direct expenditure of the Township.

Motion to approve PEG funding in the amount of \$35,479.29 for Fenton Township's share of approved grant applications for Lake Fenton Community Schools, Fenton Area Public Schools and Linden Community Schools, as presented.

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

**BOARD COMMENT:**

Clerk Krug reported that the repaving project for Crane Road and Lake Shore Drive has been completed. The Genesee County Road Commission did a fine job on the project. He also noted that some of the residents are now concerned about speeding.

Clerk Krug also mentioned that he is working on a committee to raise funds for playground equipment at West Shore Elementary School for pre-school age children. Anyone wishing to donate can contact Mr. Krug.

Trustee Hill reported that the Lake Fenton youth football program will once again have the opportunity to play at Ford Field this year. During halftime of the 11/7/10 game between the Detroit Lions and New York Jets, the youth football team will play a short game at Ford Field in Detroit. Tickets are available through the Lake Fenton youth football program.

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

Tom Richard, 12425 Jennings Road

Mr. Richard asked if the Township meetings can also be telecast on the PEG channel that is part of AT&T U-Verse. More people are now subscribing to that service instead of Charter cable and he would like to see the meetings shown there as well. This will be researched.

David Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked if there are any published reports for 2010 Marine Patrol activities. Trustee Goupil stated that he would obtain a copy of the report for the next meeting.

**ADJOURN:** Meeting adjourned at 8:20 p.m.

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 9/21/10**