

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF DECEMBER 5, 2011**

**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, Lorraine, Attorney Cooley  
and Operations Manager Broecker

Absent: None

**PLEDGE OF ALLEGIANCE:**

The members of Cub Scout Troop 111 led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Motion to approve the 12/5/11 Fenton Township Board Meeting agenda as presented.

Motion by: Tucker

Seconded: Brown

Ayes: All

Nays: None

Motion carried. The agenda is approved.

**PRESENTATION:**

**Victor Lukasavitz & Lauren Holaly - Complete Streets and Safe & Active Genesee  
for Everyone (SAGE)**

Supervisor Mathis introduced Victor Lukasavitz of Fleis & Vandenbrink Engineering and Lauren Holaly of Safe and Active Genesee for Everyone (SAGE). Mr. Lukasavitz reviewed the concept of *Complete Streets* - the use of streets for pedestrian traffic as well as vehicle traffic. Another concept discussed is called "Road Diet", which involves reducing the number of vehicle lanes to create bike/pedestrian lanes. Ms. Holaly explained that SAGE is a collaborative effort of local advocates, non-profit, private and government organizations working together to support active living initiative that promote safe opportunities for the residents of Genesee county to become more physically active. SAGE can offer assessment & training services, education & programming and coordination of infrastructure improvements, including complete streets.

Supervisor Mathis asked if there were any street projects in progress in Genesee County. Mr. Lukasavitz stated that a 4-lane street in the City of Grand Blanc is being reduced to provide additional parking, similar to the road diet concept. Treasurer Tucker stated that the inclusion of paved shoulders when Jennings Road was repaved in 2010 was a direct result of Mr. Lukasavitz's efforts to educate our board and promote the complete street concept.

Mr. Lukasavitz noted that a sample resolution has been provided for board consideration to support the complete streets concept. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2011-25**

*WHEREAS, the Federal Highway Administration (FHWA) Guidance (2000) stated that bicycling and walking facilities may be incorporated into some transportation projects; and*

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*WHEREAS, creation and maintenance of facilities that effectively accommodate non-motorized travel can reduce the risk of injury by up to 30%; and*

*WHEREAS, complete streets is an inclusive context sensitive design framework and infrastructure that enables safe and convenient access for transportation users of all ages and disabilities, including pedestrians, bicyclists, transit riders, and motor vehicle drivers; and*

*WHEREAS, complete streets are achieved when transportation agencies routinely plan, design, construct, re-construct, operate, and maintain the transportation network to improve travel conditions for bicyclists, pedestrians, transit, and freight in a manner consistent with, and supportive of, the surrounding community; and*

*WHEREAS, there is less demand for wide roads and a study conducted by the Genesee County Metropolitan Planning Commission showed that reducing 4 lanes to 3 lanes (known as a "road diet") and adding pedestrian and bicycle facilities reduced traffic crashes; and*

*WHEREAS, development of pedestrian, bicycle, and transit infrastructure offers long term cost savings and opportunities to create safe and convenient non-motorized travel; and*

*WHEREAS, streets that support and invite multiple uses, including safe, active, and ample space for pedestrians, bicycles, and transit are more conducive to the public life and efficient movement of people than streets designed primarily to move automobiles; and*

*WHEREAS, increasing active transportation (e.g., walking, bicycling and using public transportation) offers the potential for improved public health, economic development, a cleaner environment, reduced transportation costs, enhanced community connections, social equity, and more livable communities; and*

*WHEREAS, roadways designed with complete streets principles complement and enhance ongoing active living and community revitalization efforts by the Charter Township of Fenton, Safe and Active Genesee for Everyone, and numerous other community groups as well as education initiatives such as Safe Routes to School and Confident Cycling; and*

*WHEREAS, complete streets principles have been and continue to be adopted nation-wide at state, county, MPO, and city/village levels in the interest of proactive planning and adherence to federal regulation that guide transportation planning organizations to promote multi-modal transportation options and accessibility for all users; and*

*WHEREAS, The Michigan Legislature has passed Complete Streets legislation through Public Acts 134 & 135, that requires the Michigan Department of Transportation to consider all users in transportation related projects and work with locals, MPOs, townships, cities, and villages to include planning for Complete Streets in their transportation programming; and*

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*WHEREAS, we encourage the Genesee County Road Commission, other local road agencies, and other contracted agents in the county with the construction or reconstruction of transportation facilities to do so in accordance with Complete Streets, Context Sensitive Solutions and Safe Routes to School principles;*

*NOW, THEREFORE, BE IT RESOLVED, that the Township Board of the Charter Township of Fenton supports the adoption of complete streets policies and practices to create a transportation network in the Charter Township of Fenton that considers multi-modal transportation.*

Motion to adopt resolution No. 2011-25 as presented:

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

Motion carried. Resolution declared adopted.

The board thanked Mr. Lukasavitz and Ms. Holaly for their informative presentation.

**MEETING MINUTES:**

The minutes for the 11/21/11 regular meeting stand approved as presented.

**EXPENDITURES:**

Motion to approve invoices and expenditures for all funds totaling \$197,927.21 for payment as presented.

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

Motion carried.

**PUBLIC HEARINGS:**

**Rezoning #R11-002, Amendment to PUD Conditions for Previously Approved PUD Project (near the intersection of Owen & Jennings Roads), parcel 06-33-400-026; Public Hearing / 1<sup>st</sup> Reading**

Supervisor Mathis stated that this is a public hearing and first reading for a proposed Zoning Ordinance amendment to revise the conditions for a previously approved Planned Unit Development project located near the intersection of Owen and Jennings Roads. The Planning Commission has conducted a public hearing on this proposed amendment and has recommended approval.

Treasurer Tucker explained that the proposed concept has a lower density than the project already approved for this property. The plan combines an assisted living facility, memory care facility, independent living senior apartments and detached garden homes. Developer Steve Steffey stated that he has developed similar establishments in other communities and is excited about bringing this concept to Fenton Township. He also noted that the first phase of the development would be the assisted living and memory care facilities. Clerk Krug asked if this project would create new jobs in our community. Mr. Steffey confirmed that each facility in the first phase would create 20 or more jobs.

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Public Comment:

Tom Howley, 4073 Autumn Wood Drive

Mr. Howley asked about the density of the proposed project. Treasurer Tucker confirmed that the total density for the development is 161, 23 less than the 184 units previously approved for this property. Mr. Howley also asked about building height. As a member of the Fenton Township Fire Department, he is concerned about the ability to fight fires in a 3-story structure. Treasurer Tucker noted that the proposed ordinance limits building height to 29 feet, (the same as all zoning districts), with an allowance for up to 40 feet if the structure includes fire suppression and is approved by the Fire Department.

Paula Kaza, 4087 Autumn Wood Drive

Ms. Kaza questioned the source of water for the development. She heard that the previous owner had sought water from the City of Fenton because the water supply on the property was not adequate. Treasurer Tucker clarified that the proposed project includes a Type I community well system that will provide water to the entire complex. The previous owner had petitioned to annex into the City of Fenton in order to obtain municipal water because they did not want to pay for the cost of an arsenic removal system for an on-site well system. The volume of water available was not an issue.

Ms. Kaza also asked if their subdivision would be screened from the new development. Treasurer Tucker stated that the zoning amendment includes a conceptual plan. The final site plan, including screening issues, would be addressed by the Planning Commission.

Terri Ransom-Howley, 4073 Autumn Wood Drive

Ms. Ransom-Howley stated that she is concerned with the proposed entrance locations as they relate to existing school bus stops. Treasurer Tucker confirmed that this issue, like the screening, can be addressed during the site plan review process.

The second reading of the proposed ordinance will be conducted at the 12/19/11 meeting.

**Proposed 2012 Fenton Township Budget**

Supervisor Mathis reported that the proposed 2012 Fenton Township budget was distributed to the board at the last meeting and has also been on file at the Township office. Operations Manager Broecker briefly reviewed the entire budget. It was noted that the proposed budget for the General Fund is a "balanced budget" (revenues = expenditures). The Fire Fund shows a projected surplus for 2012 as funds are accumulated for the next vehicle purchase. In the Solid Waste Management and Mosquito Control budgets, the budgeted expenditures are slightly higher than the revenues since both funds have sufficient fund balances. The Sewer Fund projection includes revenues/cash inflows equaling expenditures/cash outflows, resulting in no change to the cash reserves. There was no public comment.

Clerk Krug presented the following resolution:

**RESOLUTION NO. 2011-24**

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The Board of Trustees of the Charter Township of Fenton resolves:

**Section 1: Title**

This resolution shall be known as the Fenton Township General Appropriations Act.

**Section 2: Chief Administrative Officer**

The Supervisor shall be the Chief Administrative Officer and shall perform the duties of the Chief Administrative Officer enumerated in this act.

**Section 3: Fiscal Officer**

The Clerk shall be the Fiscal Officer and shall perform the duties of the Fiscal Officer enumerated in this act.

**Section 4: Public Hearings on the Budget**

Pursuant to MCLA 42.26, notice of a public hearing on the proposed budget was published on the Township's website and in a newspaper of local circulation, and a public hearing on the proposed budget was held on December 5, 2011.

**Section 5: Estimated Revenues**

Estimated township General Fund revenues for fiscal year 2012, including an operating millage of .7122 mills, and various miscellaneous revenues shall total \$2,335,400.

Estimated township Fire Fund revenues for fiscal year 2012 shall total \$660,700.

Estimated township Sewer Fund revenues for fiscal year 2012 shall total \$6,079,200.

Estimated township Mosquito Control Fund revenues for fiscal year 2012 shall total \$153,500.

Estimated township Solid Waste Management Fund revenues for fiscal year 2012 shall total \$701,000.

**Section 6: Millage Levy**

The Fenton Township Board shall cause to be levied and collected the general property tax on all real and personal property within the township upon the current tax roll an amount equal to .7122 mills for general township operations.

**Section 7: Estimated Expenditures**

Estimated township General Fund expenditures for fiscal year 2012 for the various township cost centers are as follows:

101-Township Board	\$	70,500
171-Supervisor		42,700
191-Elections		22,600
209-Assessor		155,100
215-Clerk & General Administration		498,400
247-Board of Review		4,200
253-Treasurer		26,000
265-Building & Grounds		189,500
276-Cemeteries/Museums		7,800

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301-Law Enforcement	697,000
371-Inspection/Ordinance Enforcement	67,300
401-Planning & Zoning	52,200
445-Drains At Large	24,100
446-Highways, Roads & Bridges	231,800
805-Auditorium - Civic Center	9,400
815-Zoning Board of Appeals	8,400
865-Insurance	<u>228,400</u>
TOTAL	\$ 2,335,400

Estimated township Fire Fund expenditures for fiscal year 2012 for the various township cost centers are as follows:

265-Building & Grounds	\$ 49,500
336-Fire Dept. Operations	427,800
865-Insurance	<u>79,800</u>
TOTAL	\$ 557,100

Estimated township Sewer Fund expenditures, excluding capital improvements, for fiscal year 2012 for the various township cost centers are as follows:

000-County Services/Debt	\$ 3,013,300
536-Sewer Operations	1,145,400
865-Insurance	<u>81,500</u>
TOTAL	\$ 4,240,200

Estimated township Mosquito Control Fund expenditures for fiscal year 2012 shall total \$170,900.

Estimated township Solid Waste Management Fund expenditures for fiscal year 2012 shall total \$717,500.

**Section 8: Adoption of Budget by Reference**

The General Fund, Sewer Fund, Fire Fund, Mosquito Control Fund and Solid Waste Management Fund budgets of the Charter Township of Fenton are hereby adopted by reference, with revenues and activity expenditures as indicated in Sections 5 and 7 of this act.

**Section 9: Adoption of Budget by Cost Center**

The Board of Trustees of the Charter Township of Fenton adopts the 2012 fiscal year General Fund and Fire Fund Budgets and the Sewer Fund Financial Projections by cost center. Township officials responsible for the expenditures authorized in the budget are authorized to expend township funds up to, but not to exceed, the total appropriation authorized for each cost center, and to make transfers among the various line items contained in the cost center appropriation.

**Section 10: Appropriation not a Mandate to Spend**

Appropriations shall be deemed maximum authorizations to incur expenditures. The fiscal officer shall exercise supervision and control to ensure that expenditures are within

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appropriations, and shall not issue any township order for expenditures that exceed appropriations.

**Section 11: Transfer Authority**

The Chief Administrative Officer shall have the authority to make transfers among the various cost centers without prior board approval, if the amount to be transferred does not exceed \$10,000 or 10% of the appropriation item from which the transfer is to be made, whichever is less. The Board shall be notified at its next meeting of any such transfer made, and reserves the right to modify, amend or nullify any such transfers made. Under no circumstances may the total General Fund budget be changed without prior board approval.

**Section 12: Periodic Fiscal Reports**

The fiscal officer shall transmit to the board within 30 days of the end of each quarter, a report of financial operations, including, but not limited to:

- a. a summary statement showing the receipts and expenditures and encumbrances for the previous month, and for the current fiscal year to the end of the previous month.
- b. a detailed list of:
  - i. expected revenues by major source as estimated in the budget; actual receipts to date for the current fiscal year; and the balance of estimated revenues to be collected in the then current fiscal year.
  - ii. for each cost center: the amount appropriated; the year-to-date amount charged to each appropriation in the previous quarter for the current fiscal year; and the unencumbered balance of appropriations;

**Section 13: Limit on Obligations and Payments**

No obligation shall be incurred against, and no payment shall be made from any appropriation account unless there is sufficient unencumbered balance in the appropriation and sufficient funds are or will be available to meet the obligation.

**Section 14: Budget Monitoring**

Whenever it appears to the Chief Administrative Officer or Township Board that the actual and probable revenues in any fund will be less than the estimated revenues upon which appropriations from such fund were based, and when it appears that the expenditures shall exceed an appropriation, the Chief Administrative Officer shall present to the township board recommendations to prevent expenditures from exceeding available revenues or appropriations for the current fiscal year. Such recommendations shall include proposals for reducing appropriations, increasing revenues, or both.

**Section 15: Violations of This Act**

Any obligation incurred or payment authorized in violation of this resolution shall be void and shall subject any responsible official(s) or employee(s) to disciplinary action as outlined in P.A. 621 (1978).

**Section 16: Board Adoption**

Motion to adopt Resolution No. 2011-24 as presented.

Motion by: Krug

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Seconded: Tucker

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

Nays: None

Motion carried. Resolution declared adopted.

**REPORTS:**

None

**COMMUNICATIONS:**

None

**ADOPTION OF ORDINANCES:**

**Proposed Home Occupation Ordinance/1st Reading**

Supervisor Mathis stated that this is the first reading of a revised Home Occupation Ordinance, which has been reviewed by the Zoning Board of Appeals and was also reviewed by the Township Board at this evening's workshop meeting.

There was no public comment. The second reading of the proposed ordinance will be conducted at the 12/19/11.

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

**Proposed 2012 GIS Services Agreement – North Arrow Technologies, Inc.**

The board reviewed the proposed GIS services agreement with North Arrow Technologies for 2012. In addition to the standard GIS services and updates, North Arrow will also continue to maintain the Township's website. Operations Manager Broecker noted that the hourly rates are the same as the 2011 contract. The total projected cost for 2012 is \$51,000.00, which is \$20 higher than the 2011 contract.

Motion to approve the 2012 GIS Services agreement between the Charter Township of Fenton and North Arrow Technologies, Inc. as presented.

Motion by: Brown

Seconded: Krug

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

Nays: None

Motion carried.

**Proposed 2012 Building Inspection Services Agreement - D&G of Michigan, Inc.**

Supervisor Mathis noted that the Township hired David Gibson in 2009 to serve as a contracted Building Official. This arrangement has worked out very well for the Township and Mr. Gibson has done an outstanding job for us. Since the level of building activity remains low, it is recommend that we renew this agreement for 2012. Other than the appropriate date changes, the proposed agreement is identical to the current one."

Motion to approve the 2012 Building Inspection Services agreement with D&G of Michigan, Inc. as presented.

Motion by: Brown

Seconded: Goupil

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Ayes: Mathis, Krug, Tucker, Brown, Goupil, Kesler, Lorraine  
Nays: None  
Motion carried.

**Proposed Employment Agreement - Fire Chief**

Clerk Krug reported that the Public Safety Committee recently reviewed candidates for the Fire Chief position, which is currently vacant due to the recent death of John Moulton. The committee believes that promoting from within the department is the preferred approach, provided that we have a qualified candidate. Chief Moulton, prior to his passing, sent a letter to the Public Safety Committee recommending that Battalion Chief Ryan Volz be considered for the chief position. Chief Moulton had worked closely with Mr. Volz for nearly a decade, training him to eventually be his successor. The Public Safety Committee recommended to the Personnel Committee that Mr. Volz be hired for the chief position. The Personnel Committee has drafted an employment agreement for board consideration. The proposed agreement is for three years, although the first year is "at-will", subject to termination with or without cause. The salary for the three years is \$48,000, \$50,000 and \$52,000. All other provisions of the agreement are virtually identical to the agreement for Chief Moulton.

Supervisor Mathis stated that, because Mr. Volz is her son-in-law, she would prefer to abstain from voting due to a possible or perceived conflict of interest.

Motion to allow Supervisor Mathis to abstain from voting on the proposed Fire Chief employment agreement due to a possible or perceived conflict of interest.

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

Motion to hire Ryan L. Volz as the Fenton Township Fire Chief and to approve the employment agreement between the Township and Mr. Volz as presented.

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

Clerk Krug administered the oath of office to Chief Volz.

Battalion Chief Chris Toot commended the board for their selection. He is confident that Chief Volz will do an outstanding job for Fenton Township and he looks forward to working with him.

Treasurer Tucker thanked the many members of the Fire Department that were in attendance for their show of support.

Chief Volz thanked the board for the opportunity to serve as Fire Chief, and thanked his family and the members of the Fire Department for their support.

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**Committee Appointments**

Supervisor Mathis stated that, with the recent changes in staffing and board membership, some of our committee appointments need to be updated. The board reviewed the various committee assignments at our workshop meeting earlier this evening. Key changes are the appointment of Trustee Lorraine as the primary representative on the Genesee County Metropolitan Alliance (GCMA), with Andrew Marko serving as the citizen representative. Trustee Lorraine will also replace Trustee Brown on the Parks & Recreation Committee. There was no further discussion.

Motion to approve committee appointments as presented.

Motion by: Tucker

Seconded: Brown

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

Nays: None

Motion carried.

**Application for Renewal of METRO Act Permit - McLeodUSA Telecommunications, LLC d/b/a PAETEC Business Services**

Operations Manager Broecker reviewed a proposed METRO Act Right-of-Way Permit renewal for McLeodUSA Telecommunications, LLC d/b/a PAETEC Business Services. This company is not planning any new construction but simply applying for a 5-year renewal of their existing permit. There was no further discussion.

Motion to extend the existing METRO Act permit for McLeodUSA Telecommunications, LLC d/b/a PAETEC Business Services for the term ending December 31, 2016.

Motion by: Krug

Seconded: Brown

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

Nays: None

Motion carried.

**BOARD COMMENT:**

None

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

Dave Hawcroft, 3302 Ponemah Drive

Regarding the discussion on complete streets, Mr. Hawcroft noted that bike/pedestrian lanes are much more common in warmer weather states where roads are not subjected to freezing and heaving. He asked if there is information available that contains common sense rules for bicycling. Victor Lukasavitz stated that the wider roads that contain bike/pedestrian lanes experience less damage from freezing. Regarding bicycling rules he distributed a small booklet containing rules for bike riding. This is a version for children but there is also a version for adults. They are available through the League of Michigan Bicyclers.

**ADJOURN:** Meeting adjourned at 9:04 p.m.

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 12/6/11**