

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF APRIL 21, 2014**

**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, Goupil, Kesler, Shumaker, Attorney Cooley and
Operations Manager Broecker.

Absent: Lorraine

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 4/21/14 Fenton Township Board Meeting agenda as presented.

Motion by: Krug

Seconded: Tucker

Ayes: All Present

Nays: None

Absent: Lorraine

Motion carried. The agenda is approved.

MEETING MINUTES:

Treasurer Tucker noted one minor correction in the minutes. The minutes for the 3/31/14 regular meeting stand approved as corrected.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$571,824.09 for payment as presented.

Motion by: Tucker

Seconded: Kesler

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

Nays: None

Absent: Lorraine

Motion carried.

PUBLIC HEARINGS:

Dangerous Building Hearing – 2045 High Street

Supervisor Mathis reported that a boarded up garage on High Street has gone through the Dangerous Buildings process and the property owner has not complied with the order to repair or remove the structure. Dangerous Buildings Hearing Officer John Shayna has referred the matter to the Township Board, as required by ordinance. As a part of this hearing the owner, agent or lessee now has the opportunity to show cause why the order should not be enforced. It was noted that no one was in attendance to represent the property owner.

Supervisor Mathis stated that, since the property owner has not shown cause why the order should not be enforced, she recommends that the Township Board approve the order as outlined in Mr. Shayna's letter to the property owner dated February 18, 2014. Because the cost of repairing the structure will be greater than the state equalized value of the structure, it is also recommended that the owner, agent or lessee be given 21 days after the date of this hearing to comply with the order. If the owner or party in interest fails to comply with the decision of the Township Board, the Township Attorney

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will be directed to obtain a court order to allow the Township to demolish the structure. The demolition costs will be billed to the property owner or party in interest.

Treasurer Tucker suggested that the Township verify ownership and the foreclosure redemption period. It may make sense to delay demolition until the lender takes ownership.

Motion to approve the order of Dangerous Building Hearing Officer John Shayna to repair or demolish the accessory structure located at 2045 High Street within 21 days of this hearing, and to authorize the Township Attorney to obtain the appropriate court order for the Township to demolish the structure if the property owner, agent or lessee fails to comply with the order.

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

Motion carried.

REPORTS:

Fire Chief Quarterly Report

Fire Chief Ryan Volz reviewed 1st quarter Fire Department statistics:

Total alarms	145 (19 in Tyrone Twp)
Fires/Explosions	9
EMS	102
Hazardous conditions	4
Service calls	10
Good intent calls	13
False alarms	7
Weather/Natural Disaster	0

The board thanked Chief Volz for his report.

Ordinance Enforcement Quarterly Report

Supervisor Mathis reviewed the 1st quarter report from Ordinance Enforcement Officer Bob Atkinson. Blight, zoning and dog control issues were the categories with the highest number of complaints for the quarter.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Proposed Swimming Pool Ordinance/1st Reading

Supervisor Mathis introduced a proposed ordinance to regulate the maintenance of swimming pools. Specifically, the ordinance addresses situations where pools turn into a blight situation or a threat to public health due to lack of maintenance. The Township has dealt with several complaints of this nature in the past year.

There was no public comment. The second reading of the proposed ordinance will be conducted at the 5/5/14 meeting.

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Proposed Amendment to Lot Partition Ordinance/1st Reading

Supervisor Mathis introduced a proposed amendment to the Lot Partition Ordinance to give the Zoning Board of Appeals (ZBA) the authority to approve lot partitions if a variance is also required. This would eliminate an applicant from having to go before both the ZBA and the Planning Commission to have a lot split approved.

Treasurer Tucker asked if the ZBA is OK with this approach. Clerk Krug confirmed that the ZBA is comfortable approving the lot splits in these situations. There are typically only a handful of applications each year.

There was no public comment. The second reading of the proposed ordinance will be conducted at the 5/5/14 meeting.

UNFINISHED BUSINESS:

2014 Genesee County Road Commission Dust Control Contract

Operations Manager Broecker reviewed revised information regarding the Genesee County Road Commission's dust control program for 2014. After the board approved the original version at the 3/17/14 meeting, the Road Commission sent out a revised agreement, which includes the first application of liquid calcium chloride on unpaved roads funded equally by the Township and Road Commission, an optional second application funded by the Township, and a third application funded by the Road Commission. The Township needs to decide if it wants to fund the June application. The Township can receive two total applications (April & September) for approximately \$9,153 or all three applications (April, June & September) for approximately \$27,458. The road commission has confirmed that if the Township does not initially contract for the June application, it can be added back in as long as the road commission has enough time to adjust their chloride order (approximately 3 weeks). The board agreed to leave the June application out of the agreement, with the understanding that the unpaved road conditions will be reviewed at a time that will allow us to add the application back in if necessary.

Motion to approve the 2014 Genesee County Road Commission Dust Control Program, including applications of 38% liquid calcium chloride at a rate of 2,000 gallons per mile as follows:

- One application in late April, with the cost divided evenly between Fenton Township and the Genesee County Road Commission.
- One application in mid-September, with 100% of the cost paid by the Genesee County Road Commission.

Motion by: Tucker

Seconded: Goupil

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

Nays: None

Absent: Lorraine

Motion carried.

NEW BUSINESS:

Proposed Amendment to Consent Judgment – Old Mill Farms Condominium

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Supervisor Mathis reviewed a memo from Zoning Administrator Doug Piggott regarding the Old Mill Farms Condominium development on Torrey Road. In 1992 the Township and the developers of Old Mill Farms Condominiums entered into a court approved consent judgment that allowed for the condominium to be developed but imposed a set of conditions, including a requirement that all of the buildings in Phase 1 of the project be constructed before any other portions of the site is developed.

While some of the buildings in Phase 1 were completed, it was not built out. The new owners of the undeveloped portion of the project, RBF Construction, have requested that they be allowed to develop outside of Phase 1 before building out in that first phase. They believe that the sites in the subsequent phase would be more marketable. The consent agreement allows for changes to the conditions by the court provided there is mutual agreement between the developer and the Township.

In reviewing the original site plan for the project, Lawrence Engineering noted that the standards for the roads, sewer and storm drainage were less stringent than the current standards. Since those improvements were part of the original consent judgment it would appear that RBF Construction would have the right to complete the project using those older standards. It was suggested that the Township Board consider authorizing the Township Supervisor to work with RBF Construction in amending the consent judgment, allowing for development to occur outside Phase 1 in return for an agreement to construct all new infrastructure on the site to current Township standards. The Township Attorney could then file the necessary court documents to complete the amendment.

Alan Jory of RBF Construction explained that they wish to develop the remaining two phases of the development, consisting of 18 units and 10 units, respectively. RBF does not own Phase I and, therefore, cannot comply with the original requirement of completing the first phase before being permitted to build in the other phases.

Trustee Shumaker expressed concern regarding the ultimate completion of the project. The Township has many residential developments that are only partially built out and he doesn't want that to happen with this development. Clerk Krug expressed concern regarding the impact of the development on Golden Shores Lake and suggested requiring a cash bond to ensure all infrastructure improvements are completed. Mr. Jory stated that their plan is to complete all infrastructure improvements before pulling the first building permit.

After further discussion the board decided to discuss the issue further at a workshop meeting before taking action.

BOARD COMMENT:

None

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked if there are any planned repairs to Ponemah Drive. Supervisor Mathis stated that the Township Engineer will review the street to determine what is needed. Mr. Hawcroft asked about the status of demolishing the old Frank's Tavern facility. Supervisor Mathis confirmed that the building will be demolished when the road weight restrictions are removed.

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

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 4/22/14