

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MAY 5, 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, Lorraine, Shumaker, 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 5/5/14 Fenton Township Board Meeting agenda as presented.

Motion by: Shumaker

Seconded: Lorraine

Ayes: All

Nays: None

Motion carried. The agenda is approved.

PRESENTATION:

Genesee County Mass Transportation Authority

Dennis Maxheimer of the Genesee County Mass Transportation Authority provided updates regarding MTA services. The MTA currently operates 270 vehicles at 12 service centers throughout Genesee County, with an average of 15,000 passengers per week. The Fenton service center has 27 vehicles and transports 2,500 passengers per week. The MTA recently put into service a hydrogen powered bus and expects to purchase more in the near future. A renewal of the MTA millage, (0.40 mills), will be on the ballot in August 2014.

The board thanked Mr. Maxheimer for his information.

MEETING MINUTES:

The minutes for the 4/21/14 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$268,268.68 for payment as presented.

Motion by: Tucker

Seconded: Lorraine

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

None

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COMMUNICATIONS:

Household Hazardous Waste Collection Day – 6/7/14

The board reviewed a flyer for the Household Hazardous Waste Collection Day. The spring collection day will be Saturday 6/7/14 from 10:00 a.m. to 2:00 p.m. at Swartz Creek High School and the Flint East Water Sewer Center.

Reminder – Genesee County MTA Chapter Meeting 6/19/14 at Fenton Township

Supervisor Mathis reminded the board members that Fenton Township will be hosting the 6/19/14 meeting of the Genesee County Chapter of the Michigan Townships Association. She encouraged all board members to attend.

ADOPTION OF ORDINANCES:

Proposed Swimming Pool Ordinance/2nd Reading

Supervisor Mathis reviewed a proposed ordinance to regulate the maintenance of swimming pools, which was introduced at the 4/21/14 meeting. Specifically, the ordinance addresses incidents 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. Trustee Goupil and Trustee Lorraine expressed concern that some of the language in the ordinance is too vague and open to different interpretations. Supervisor Mathis confirmed that enforcement of the ordinance would be based on complaints, (i.e. the Township will not seek out violations). After considerable discussion the board agreed to have Treasurer Tucker revise the language of the ordinance and bring back to the board for consideration.

Proposed Amendment to Lot Partition Ordinance/2nd Reading

Supervisor Mathis reviewed a proposed amendment to the Lot Partition Ordinance, which was introduced at the 4/21/14 meeting, 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. There was no further discussion.

Motion to adopt Ordinance No. 764, an amendment to Lot Partition Ordinance No. 688, as presented.

Motion by: Goupil

Seconded: Tucker

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

Nays: None

Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS:

Proposed Amendment to Consent Judgment – Old Mill Farms Condominium

Supervisor Mathis reviewed information regarding the Old Mill Farms Condominium development on Torrey Road, which was discussed at the 5/1/14 workshop meeting. 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

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they be allowed to develop outside of Phase 1 before building out in that first phase. They do not own the property in Phase I and believe that the sites in the subsequent phases 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.

After some discussion, Attorney Cooley suggested that the developer's attorney should draft the language to amend the consent judgment and bring back to the board for formal action.

NEW BUSINESS:

Appointments to Fenton Township Planning Commission

Supervisor Mathis noted that the terms of planning commissioners Dave Franz and Jim McGuirk will expire at the end of May. Both are doing an excellent job for Fenton Township and both have expressed interest in being re-appointed.

Motion to re-appoint David R. Franz to the Fenton Township Planning Commission for the term ending May 31, 2017.

Motion by: Mathis

Seconded: Tucker

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

Nays: None

Motion carried.

Motion to re-appoint James D. McGuirk Jr. to the Fenton Township Planning Commission for the term ending May 31, 2017.

Motion by: Mathis

Seconded: Tucker

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

Nays: None

Motion carried.

Planning Commission Resignation – Sandra Carlson

Supervisor Mathis reported that Planning Commissioner Sandra Carlson has submitted her letter of resignation. Recent changes in Michigan Court Rule no longer allow her to hold an appointed position while being employed as a referee for the court system. Supervisor Mathis stated that Ms. Carlson has done an excellent job as a Planning Commissioner and she will be missed.

Motion to accept, with regret, the resignation of Sandra K. Carlson from the Fenton Township Planning Commission, effective immediately.

Motion by: Tucker

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Seconded: Lorraine
Ayes: Mathis, Goupil, Kesler, Shumaker
Nays: Krug, Tucker, Lorraine
Motion carried.

Resolution No. 2014-04, honoring Sandra Carlson

Supervisor Mathis stated that a resolution has been prepared for Sandra Carlson to honor her for her years of public service. Clerk Krug presented the following resolution:

**CHARTER TOWNSHIP OF FENTON
RESOLUTION NO. 2014-04**

WHEREAS, Sandra K. Carlson has stepped down from her position on the Fenton Township Planning Commission, and

WHEREAS, Ms. Carlson has been a resident of Fenton Township for many years, during which time she has contributed greatly to the progress and welfare of the community as a member of the Fenton Township Zoning Board of Appeals, the Fenton Township Planning Commission, and in the Genesee County Court system, and

WHEREAS, Ms. Carlson served loyally and faithfully as a member of the Fenton Township Zoning Board of Appeals from 2000 to 2005 and as a member of the Fenton Township Planning Commission from 2001 to 2014, including three years as chairperson, consistently exhibiting the qualities of vision and leadership throughout her years of public service;

NOW, THEREFORE, BE IT RESOLVED, that the Township Board of the Charter Township of Fenton hereby recognizes Sandra K. Carlson for her valuable contributions to our community and expresses sincere appreciation and gratitude for her dedicated service to the government and citizens of Fenton Township, and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this meeting and a copy provided to Ms. Carlson.

Motion to adopt Resolution No. 2014-04 as presented.

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

Motion carried. Resolution declared adopted.

Proposed Amendment to Fenton Township Fee Schedule

Since action on the proposed Swimming Pool Ordinance has been delayed, action on the proposed fee schedule amendment should also be delayed until such time the ordinance is ultimately adopted.

BOARD COMMENT:

The board discussed at length several road related issues, including crack sealing, special assessments, etc.

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

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Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft discussed concerns with needed repairs to Ponemah Drive. Supervisor Mathis noted that the Township Engineer had provided a preliminary estimate of \$98,000 to repair the worst section of the road. It was also noted that the cost of improvements would have to be done through a special assessment. Mr. Hawcroft expressed concern that the road should be maintained by Genesee County, not assessed to property owners.

ADJOURN: Meeting adjourned at 9:05 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 5/6/14