

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JUNE 2, 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, Lorraine, Shumaker, Attorney Cooley and  
Operations Manager Broecker.

Absent: Kesler

**PLEDGE OF ALLEGIANCE / OPENING PRAYER:**

Supervisor Mathis led the pledge of allegiance to the flag. Trustee Goupil offered the opening prayer.

**APPROVAL OF AGENDA:**

Motion to approve the 6/2/14 Fenton Township Board Meeting agenda as presented.

Motion by: Tucker

Seconded: Shumaker

Ayes: All Present

Nays: None

Absent: Kesler

Motion carried. The agenda is approved.

**MEETING MINUTES:**

The minutes for the 5/19/14 regular meeting stand approved as presented.

**EXPENDITURES:**

Motion to approve invoices and expenditures for all funds totaling \$157,630.82 for payment as presented.

Motion by: Lorraine

Seconded: Tucker

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

Nays: None

Absent: Kesler

Motion carried.

**PUBLIC HEARINGS:**

None

**REPORTS:**

None

**COMMUNICATIONS:**

**Thank You Letter – Area 13 Special Olympics**

Supervisor Mathis reviewed a letter from Area 13 Special Olympics thanking the Township for participating in the Polar Plunge event this past winter.

**ADOPTION OF ORDINANCES:**

**Proposed Zoning Ordinance Amendment – Marine Sales & Services/2<sup>nd</sup> Reading**

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to add Marine Sales & Services as a permitted use in the M-1 and M-2 zoning districts, which was introduced at the 5/19/14 meeting.

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Regarding the proposed use of the former Carpenter Enterprises facility on Thompson Road that was discussed in conjunction with this proposed amendment, Trustee Shumaker asked for clarification regarding whether used boats and trailers would be stored on the site. David Goldstein, representing the owners of the Thompson Road property, stated that it is his understanding that boats and trailers, both new and owned by area residents, would be stored on the site.

Treasurer Tucker clarified that the proposed amendment is not specific to the Thompson Road property, but would simply add the stated use to the list of permitted uses in the M-1 and M-2 zoning districts.

Clerk Krug asked if the wetland areas on the property have been tested for contamination. Mr. Goldstein responded that environmental assessments of the property were completed when Mr. Perani purchased the property in 2001 and contaminant levels were well below limits.

Treasurer Tucker also pointed out that the use proposed to be added to the M-1 and M-2 zoning districts are much less intense than other permitted uses.

Supervisor Mathis feels that boat storage would be an improvement for industrial property.

Trustee Lorraine stated that the board should try to assist business, while also protecting the residents. He supports the proposed amendment.

There was no further discussion.

Motion to adopt Ordinance No. 765, an amendment to Article 3 of Zoning Ordinance No. 594 to add Marine Sales and Services as a permitted use in the M-1 and M-2 zoning districts, as presented.

Motion by: Goupil  
Seconded: Tucker  
Ayes: Mathis, Krug, Tucker, Goupil, Lorraine  
Nays: Shumaker  
Absent: Kesler

Motion carried. Ordinance declared adopted.

**Proposed Swimming Pool Ordinance/1<sup>st</sup> 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. A similar ordinance was previously reviewed by the board and Treasurer Tucker has taken the input from those discussions and drafted this revised ordinance.

Trustee Lorraine commended Treasurer Tucker for addressing the board's concerns in the revised ordinance. He questioned, however, the need for the ordinance at all. He believes it may be a case of exerting too much control.

The second reading of the proposed ordinance will be conducted at the 6/16/14 meeting.

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**UNFINISHED BUSINESS:**

**Proposed Amendment to Consent Judgment – Old Mill Farms Condominium**

The board reviewed a proposed resolution to amend the consent judgment for the Old Mill Farms Condominium development to allow construction outside of Phase I before Phase I is completed. The developer has agreed to construct all roads, storm sewers and sanitary sewers according to current Township standards and to complete the infrastructure prior to applying for building permits. Attorney Cooley acknowledged that the court documents drafted by the applicant's attorney needed to be revised before filing, however the resolution is fine to adopt if it accurately reflects the conditions required by the board. Treasurer Tucker suggested adding a requirement relative to building code compliance for all construction.

Treasurer Tucker presented the following resolution:

**RESOLUTION NO. 2014-05**

*WHEREAS, the Charter Township of Fenton ("Township") was a Defendant in Genesee Circuit Court Case No. 92-12312-CZ, ("Circuit Court Case") brought by Joseph Buono regarding the Site Plan for the Old Fenton Farms Condominium Project, subsequently re-named Old Mill Farms Condominium, ("Site Plan"), and*

*WHEREAS, on April 16, 1992, the Genesee Circuit Court Judge granted a Consent Judgment ("Judgment") in the Circuit Court Case, and*

*WHEREAS, the Judgment incorporated the Site Plan by reference, and*

*WHEREAS, the Site Plan included a note ("Note") that stated that "Units shall not be built until completion of Phase I", and*

*WHEREAS, Joseph Buono thereafter died and Eastern Savings Bank is the successor of his interest in the property that was the subject matter of the Circuit Court Case ("Property"), and*

*WHEREAS, Eastern Savings Bank entered into a Purchase Agreement dated April 15, 2014, ("Purchase Agreement") for the sale of the Property to James Nolen or an entity to be formed by him ("Purchaser"), and*

*WHEREAS, the Purchase Agreement was made contingent upon Purchaser being issued building permits to allow construction of dwelling units on the Property prior to all of the units in Phase I being completed, and*

*WHEREAS, the Township is willing to consent to an amendment to the Judgment that deletes the requirement contained in the Note, thereby allowing dwelling units to be built on the Property prior to completion of units in Phase I of the Property, and*

*WHEREAS, the Purchaser is willing to construct according to existing standards of the Township all roads, storm sewers and sanitary sewers on the Property prior to the issuance of any building permits;*

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*NOW, THEREFORE, BE IT RESOLVED, that the Township Board of the Charter Township of Fenton hereby authorizes the Township Attorney to stipulate and agree to an amendment to Paragraph 9 of the Judgment so that it reads as follows:*

*9. The terms of this Judgment shall be binding upon and inure to the benefit of the parties, and their respective heirs, successors and assigns EXCEPT as follows:*

- A. The note that reads "Units shall not be built until completion of Phase I" is deleted from the Site Plan.*
- B. Approved units in the Site Plan may be constructed on the Property prior to completion of the units in Phase I of the Property.*
- C. All roads, storm sewers and sanitary sewers shall be constructed to the Township standards in effect as of the date of construction, and such construction shall be completed before any building permits are issued.*
- D. All residential structures constructed on the Property shall be constructed in full compliance with all current applicable building code requirements.*
- E. All units constructed on the property that are adjacent to Golden Shores Lake shall maintain a minimum rear yard setback of 25 feet from said lake.*

*BE IT FURTHER RESOLVED, that the Township Board of the Charter Township of Fenton hereby authorizes the Township Building Inspector to issue building permits to the Purchaser for units described in the Master Deed of the Property, upon receipt by the Building Inspector of:*

- A. All approvals by the County of Genesee for all requirements established by the County of Genesee for the Property.*
- B. Written certification from the Township Engineer that all roads, storm sewers and sanitary sewers shown in the Site Plan have been completed and have been constructed according to current Township standards.*
- C. A completed Building Permit Application for each permit requested.*

Motion to adopt Resolution No. 2014-05 as presented.

Motion by: Tucker

Seconded: Lorraine

Ayes: Mathis, Krug, Tucker, Goupil, Lorraine

Nays: Shumaker

Absent: Kesler

Motion carried. Resolution declared adopted.

**NEW BUSINESS:**

**Resolution No. 2014-06, Dartmouth Drive Road Improvement Special Assessment District**

Supervisor Mathis reported that property owners on Dartmouth Drive have petitioned the Township to establish a special assessment district to repave their street. The next step

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in the process is to schedule a public hearing on the creation of the special assessment district. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2014-06**

*WHEREAS, the Fenton Township Board has accepted a petition from the record owners of properties abutting that portion of Dartmouth Drive that lies within Fenton Township to establish a special assessment district for the purpose of resurfacing Dartmouth Drive, and*

*WHEREAS, it has been determined that the petition has been signed by the record property owners representing more than 50% of the road frontage of the proposed improvement, and*

*WHEREAS, preliminary plans and estimated costs for the foregoing road improvement have been placed on file in the office of the Township Clerk,*

*NOW, THEREFORE, BE IT RESOLVED, that the Fenton Township Board does hereby tentatively declare its intent to resurface that portion of Dartmouth Drive that lies within Fenton Township, a public street in Fenton Township, and*

*BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby tentatively establish the boundaries of the proposed special assessment district to include all properties in Fenton Township with frontage on Dartmouth Drive, and*

*BE IT FINALLY RESOLVED, that the Fenton Township Board will hold a public hearing on the establishment of the proposed special assessment district at its regular meeting to be held on Monday June 16, 2014 at the Fenton Township Civic Community Center, beginning at 7:30 p.m.*

Motion to adopt Resolution No. 2014-06 as presented.

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

Motion carried. Resolution declared adopted.

**Genesee County Local Road Agreement – Old Linden Road Storm Sewer Outlet**

Supervisor Mathis reviewed a letter and a proposed agreement from the Genesee County Road Commission to replace the storm sewer outlet on Old Linden Road at Dooley Drive. This outlet failed during the recent heavy rains and cause significant flooding. The estimated cost of the proposed improvement is \$31,000. The proposed agreement divides the cost equally between the road commission and the Township.

Motion to approve the Local Road Agreement with the Genesee County Road Commission to replace the storm sewer outlet on Old Linden Road at Dooley Drive, as presented.

Motion by: Krug  
Seconded: Tucker  
Ayes: Mathis, Krug, Tucker, Goupil, Lorraine, Shumaker

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Nays: None  
Absent: Kesler  
Motion carried.

**Resolution No. 2014-07, Honoring Retiring Firefighter Phil Smith**

Supervisor Mathis reported that firefighter Phil Smith is retiring after 36 years on the Fenton Township Fire Department. A resolution has been prepared to honor Mr. Smith for his years of service. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2014-07**

*WHEREAS, Philip C. Smith is retiring from the Fenton Township Fire Department, and*

*WHEREAS, Mr. Smith has been a resident of Fenton Township for many years, during which time he has contributed greatly to the progress and welfare of the community, most notably as a firefighter on the Fenton Township Fire Department, and*

*WHEREAS, Mr. Smith served loyally and faithfully as a member of the Fenton Township Fire Department from 1978 to 2014, rising to the rank of Sergeant and Training Captain during his 36-year tenure, and demonstrating great leadership throughout his years of service;*

*NOW, THEREFORE, BE IT RESOLVED, that the Township Board of the Charter Township of Fenton hereby recognizes Philip C. Smith for his valuable contributions to the Fenton Township Fire Department and our community in general, expresses sincere appreciation and gratitude for his dedicated service to the government and citizens of Fenton Township, and wishes him well in his retirement years, and*

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

Motion to adopt Resolution No. 2014-07 as presented.

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

Motion carried. Resolution declared adopted.

**BOARD COMMENT:**

Supervisor Mathis reminded the board that Fenton Township is hosting the Genesee County Chapter MTA meeting on 6/19/14. She urged all board members to attend if at all possible.

Supervisor Mathis noted that, with the recent resignation of Sandra Carlson, there is a vacancy on the Planning Commission. Any interested individuals should submit a letter of application and resume.

Supervisor Mathis stated that she would like to schedule a workshop meeting. After a brief discussion, a workshop meeting was scheduled for Tuesday 6/10/14 at 7:00 p.m.

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Attorney Cooley provided an update on the Moffett Court easement issue. An attempt by three property owners to divide a 30' wide parcel into 3 10' sections to provide lake access for 3 property owners is currently in litigation, although township not a party. Another property owner is opposing the proposed action, claiming that one or more township ordinances would be violated. The property owners are planning to retain George Rizik to approach the board for approval.

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

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked about the 25 foot setback discussed in the consent judgment issue. Treasurer Tucker clarified that the 25 foot lake setback was a part of the original consent judgment.

Sheila Barr, Goodrich, MI

Ms. Barr introduced herself as a candidate for 51<sup>st</sup> District State Representative. She also complimented the township on their website. Ms. Barr is a recent graduate of Wayne State University with degree in Public Policy. She gave an overview of her personal and professional background and a brief outline of her campaign platform. She thanked the board for the opportunity to address the meeting.

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

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 6/3/14**