

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JUNE 16, 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 / OPENING PRAYER:

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

APPROVAL OF AGENDA:

Clerk Krug asked to have the following item added to the New Business section of the agenda:

Appeal administrative decision of the Zoning Administrator to the Zoning Board of Appeals

Motion to approve the 6/16/14 Fenton Township Board Meeting agenda as amended.

Motion by: Shumaker

Seconded: Goupil

Ayes: All

Nays: None

Motion carried. The agenda is approved.

Plante & Moran, PLLC – Financial Report for Fiscal Year Ended 12/31/13

Supervisor Mathis introduced Tadd Harburn of Plante & Moran, PLLC. Mr. Harburn reviewed several graphs outlining year-to-year changes in revenues and expenditures in both the General and Sewer Funds.

Areas highlighted included:

- ⇒ Total fund balance in the General Fund increased by \$137,389 to a total of \$1,379,813. Unassigned fund balance totaled 965,117, which represents approximately 4.5 months of budgeted expenditures, which within the recommended range of 3-5 months.
- ⇒ General Fund revenues increased \$323,498 from 2012, due primarily to sales of tax foreclosed property.
- ⇒ General Fund expenditures decreased \$277,513 from 2012, as the board made the decision to utilize some of the fund balance for additional road projects in 2012.
- ⇒ An operating transfer of \$300,000 was made from the General Fund to the Sewer Fund, utilizing the proceeds of the sale of tax foreclosed property to fund the new DPW facility.
- ⇒ All Special Revenue Funds, (Fire Protection, Solid Waste and Mosquito Control), are financially stable with adequate fund balances.
- ⇒ The Sewer Fund is generating sufficient revenues to meet the operating costs and debt payment obligations. Mr. Harburn pointed out that the Township is maintaining cash reserves in the Sewer Fund in the area of \$2 million. Because of the potential for large-scale emergencies, sewage spills and backups, and system failures, he

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does not believe this amount to be excessive. Based on current conditions, the Township will not be in a position to reduce the sewer use rates in the near future.

The board thanked Mr. Harburn for his report.

MEETING MINUTES:

The minutes for the 6/2/14 regular meeting and the 6/10/14 workshop meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$328,741.63 for payment as presented.

Motion by: Lorraine

Seconded: Goupil

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

Proposed Dartmouth Drive Road Improvement Special Assessment District/1st Hearing

Supervisor Mathis stated that this is the first public hearing for a proposed special assessment district for improvements to Dartmouth Drive. The total estimated cost of the project is \$94,875.00. The board will open the hearing for public comment regarding the following:

1. The creation of the special assessment district
2. The proposed boundaries of the district
3. The necessity of the improvement
4. The plans for the improvement
5. The cost estimates for the improvement

Public comment:

William Love, 14206 Dartmouth Drive

Mr. Love, who circulated the petition for the special assessment, asked about bringing Darts Drive (a private, unpaved road connecting Dartmouth Drive to Fenton Road) up to county standards (i.e. paving). Operations Manager Broecker stated that a separate special assessment to improve Darts Drive can be considered, however that is a separate issue from the proposed Dartmouth special assessment.

Mark Compton, 14152 Dartmouth Drive

Mr. Compton stated that the northern section of Dartmouth doesn't need to be repaved. The real issue is the drainage problem in the middle section of the street. He supports fixing the drainage problems and repaving only the portions of the street that are in poor condition.

DuWayne Stratman, 14240 Dartmouth Drive

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Mr. Stratman stated that he initially signed the special assessment petition but now wants his name removed. He believes that most of the street is in good condition and only areas in poor condition should be looked at for improvement.

William Love, 14206 Dartmouth Drive

Mr. Love stated that he has no problem with concept of repaving only portions of the road as long as the drainage issues are properly addressed.

Kathy Smith, 14202 Dartmouth Drive

Ms. Smith has lived on Dartmouth Drive for 25 years. The Genesee County Road Commission has not done a good job of snow plowing or general maintenance over the years. The existing drainage problems are severe and must be corrected.

After a brief discussion, the board agreed to have the scope of the work re-evaluated. It was determined that the board should proceed with the resolution to establish the special assessment district, but delay scheduling a hearing on the assessment roll until the costs have been reviewed.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2014-08

WHEREAS, the Fenton Township Board has received petitions signed by more than 50% of the total road frontage of Dartmouth Drive, and accordingly, determined to proceed under the provisions of 1954 PA 188, as amended, to secure preliminary plans and estimates of cost together with a proposed Special Assessment District for assessing the costs of the proposed road improvement project to schedule a public hearing upon the same for this date, and

WHEREAS, the preliminary plans, estimates of cost and proposed Special Assessment District were filed with the Township Clerk for public examination and notice of the hearing upon same was published and mailed in accordance with law and statute provided as shown by affidavits pertaining thereto on file with the Township Clerk, and

WHEREAS, an estimate of the cost of the project in the approximate amount of \$94,587.50, (not including financing costs), has been prepared and presented to this board, and

WHEREAS, in accordance with the aforesaid notices, a hearing was scheduled this 16th day of June 2014 commencing at 7:30 p.m. and all persons given the opportunity to be heard in the matter, and

WHEREAS, as a result of the foregoing, the Township Board believes the project to be in the best interests of the Township and of the district proposed to be established therefor;

NOW, THEREFORE, BE IT RESOLVED, that the Township Board of the Charter Township of Fenton does hereby determine that the petitions for the Dartmouth Drive Improvement Special Assessment District were properly signed by the record owners of land whose road frontage constitutes more than 50% of the total road frontage upon the proposed improvement, and

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BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby create, determine and define as a Special Assessment District to be known as the Dartmouth Drive Road Improvement Special Assessment District, within which the costs of such improvements shall be assessed, the following described area within said township:

***All properties in Fenton Township with frontage on Dartmouth Drive
, and***

BE IT FINALLY RESOLVED, that on the basis of the foregoing, the Fenton Township Board does hereby direct the Supervisor and assessing officer to make a special assessment roll in which shall be entered and described all the parcels of land to be assessed with the names of the respective owners thereof if known, and a total amount to be assessed against each parcel of land in the Special Assessment District. When the same has been completed, the Supervisor and assessing officer shall affix thereto her certificate stating that it was made pursuant to this Resolution and that in making such assessment roll, she has, according to her best judgment, conformed in all respects to the directions contained in this Resolution and the applicable state statutes.

Motion to adopt Resolution No. 2014-08 as presented.

Motion by: Krug

Seconded: Tucker

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

Nays: None

Motion carried. Resolution declared adopted.

REPORTS:

None

COMMUNICATIONS:

None

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 6/2/14 meeting. Specifically, the ordinance addresses situations where pools turn into a blight situation or a threat to public health due to lack of maintenance.

Motion to adopt Ordinance No. 766, a Swimming Pool Ordinance, as presented.

Motion by: Goupil

Seconded: Kesler

Ayes: Mathis, Tucker

Nays: Krug, Goupil, Kesler, Lorraine, Shumaker

Motion failed. The ordinance is not adopted.

**Proposed Zoning Ordinance Amendment – Rental & Sales of Automobiles/1st
Reading**

Supervisor Mathis introduced a proposed Zoning Ordinance amendment to Article 3 of Zoning Ordinance No. 594 to add ***Rental and sales of automobiles, recreational***

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vehicles and mobile homes, outdoor as a permitted use in the M-2 zoning district. This amendment is the result of an application from a business owner for the proposed text amendment. This business owner wants to operate an automobile recycling operation and sales on property zoning M-2. Supervisor Mathis also reported that the automobile recycling process was shut down earlier today due to the fact that the necessary permit has not yet been issued by the State of Michigan. This led to a lengthy discussion on the automobile recycling issue, which is a separate issue from the proposed Zoning Ordinance amendment.

Trustee Shumaker stated that the board should be looking at the Master Plan, rather than try to make piecemeal amendments to accommodate all requests. Treasurer Tucker agreed, suggesting that the Planning Commission should take a look at the Master Plan. The proposed amendment would allow a commercial use on industrial zoned property, which may or may not be appropriate.

Trustee Kesler stated that he believes the board should be encouraging new businesses to come into the Township.

Clerk Krug asked if the issue should be tabled until the next meeting. Attorney Cooley noted that there is no point in tabling the first reading. Tabling or postponing could take place at the second reading.

The second reading of the proposed ordinance will be conducted at the 7/7/14 meeting.

Proposed Zoning Ordinance Amendment – Private Road Design Standards/1st Reading

Supervisor Mathis introduced a proposed Zoning Ordinance amendment to Article 4 of Zoning Ordinance No. 594 to revise provisions relating to private road design standards. Treasurer Tucker explained that the proposed amendment would give the Planning Commission the authority to waive the requirement to have a paved private road if the road is connected to an unpaved road and provides access to six or fewer homes.

The second reading of the proposed ordinance will be conducted at the 7/7/14 meeting.

UNFINISHED BUSINESS:

Reminder – Genesee County Chapter MTA Meeting – 6/19/14

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 would like as many board members to attend as possible.

Schedule Election Commission Meeting – 7/7/14

Clerk Krug announced that the Fenton Township Election Commission will meet at 7:00 p.m. on Monday 7/7/14, (prior to the regular board meeting), to appoint inspectors for the 8/5/14 Primary Election.

NEW BUSINESS:

Resolution No. 2014-10, Honoring Eagle Scout Gavin Godlewski

Supervisor Mathis reported that Fenton Township resident Gavin Godlewski has recently attained the rank of Eagle Scout in Boy Scout Troop 219. A resolution has been

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prepared to honor young Mr. Godlewski for this impressive achievement. Clerk Krug presented the following resolution:

RESOLUTION NO. 2014-10

WHEREAS, Fenton Township resident Gavin T. Godlewski has attained the rank of Eagle Scout and, on June 21, 2014, will be presented with the coveted Eagle Scout Award at the Eagle Court of Honor, and

WHEREAS, the Eagle Scout is the highest rank of recognition attainable in Scouting, and

WHEREAS, to earn the rank of Eagle Scout, a Boy Scout must advance through the various ranks of Scouting, earn a minimum of 21 merit badges and complete a service project that benefits a non-profit organization within the community, and

WHEREAS, Gavin Godlewski, a valued member of Boy Scout Troop 219, is a dedicated young man who has earned the respect and admiration of his fellow scouts through his active participation in the many programs sponsored by the Boy Scouts of America, and

WHEREAS, Gavin has truly exhibited a commitment to the principals of Scouting and has consistently conducted himself in a manner becoming an Eagle Scout, and

WHEREAS, Gavin completed a major community service project consisting of landscaping the entire entrance at West Shore Elementary School, including the building three benches for the front of the school;

NOW, THEREFORE, BE IT RESOLVED, that the Township Board of the Charter Township of Fenton hereby applauds the diligence, determination, and dedication of Gavin T. Godlewski in pursuing the highest honor awarded by the Boy Scouts of America and extends its heartiest congratulations to him on the occasion of his attaining the rank of Eagle Scout, and

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

Motion to adopt Resolution No. 2014-10 as presented.

Motion by: Krug

Seconded: Lorraine

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

Nays: None

Motion carried. Resolution declared adopted.

Appeal Administrative Decision of the Zoning Administrator to the ZBA

Clerk Krug reported that the applicant that requested the Zoning Ordinance text amendment for the M-2 zoning district is also setting up an automobile recycling operation at 3201 Thompson Road. The Township Zoning Administrator has determined that this use falls under the defined use "industrial service establishments, light", which

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includes “recycling operations”. Since 3201 Thompson Road is zoned M-2, that would make this operation a permitted use for that property. Clerk Krug disagrees with this administrative decision and is requesting that the board formally appeal the decision to the Zoning Board of Appeals.

Motion to authorize an appeal to the Zoning Board of Appeals of the administrative decision of the Zoning Administrator to classify the proposed automobile recycling operation at 3201 Thompson Road as “recycling operations” under the defined use “industrial service establishments, light”, which is a permitted use in the M-2 zoning classification.

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

Motion carried.

BOARD COMMENT:

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

Jerry Huber, Hogan Road

Mr. Huber stated that he is concerned with of maintenance of Hogan Road. The grading of the road is causing ditches to be filled in and culverts blocked. Supervisor Mathis will look into this with the road commission.

Jim Manna, Bloomfield Hills; Craig Corbell, Residential Builder

Mr. Corbell has purchased several lots in the Landings at Crane’s Cove development in Fenton Township. He claims that he was unaware until very recently that he would be required to post a bond for the completion of the road before obtaining building permits. He would like to propose an alternative approach, which he has OK’d with the condo association, and establish an escrow account with the condo association and pay into the account as homes are sold. Supervisor Mathis stated that the Township staff did inform Mr. Corbell about the bond requirement when he first approached the Township in 2013. She also contacted the condo association and they claim that they have no agreement with Mr. Corbell. The Township is not in a position to change the requirements. A bond must be posted before building permits are issued.

ADJOURN: Meeting adjourned at 10:05 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 6/17/14