

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF AUGUST 4, 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:

Motion to approve the 8/4/14 Fenton Township Board Meeting agenda as presented.

Motion by: Tucker

Seconded: Kesler

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 7/21/14 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$164,039.51 for payment as presented.

Motion by: Lorraine

Seconded: Tucker

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

Dartmouth Drive Road Improvement Special Assessment - Hearing on Special Assessment Roll

Supervisor Mathis opened a public hearing to review the special assessment roll for paving and drainage improvements for Dartmouth Drive. The total estimated cost of the project is \$94,587.50. It was emphasized that the proposed special assessment roll is based on estimated costs. The Genesee County Road Commission has indicated that the special assessment must be approved before they proceed with the design of the project. If approved, the special assessment roll will be revised after the project has been completed to reflect actual costs.

The board will accept public comment regarding the following:

1. An individual's assessment in relation to benefit received.
2. The total cost of the project.
3. The validity of the proceedings to date.

Public Comment:

DuWayne Stratman, 14240 Dartmouth Drive

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Mr. Stratman asked if consideration was given to repairing the road rather than reconstructing. Supervisor Mathis stated that the Genesee County Road Commission has indicated that repairing the road will not correct the drainage problems. Mr. Stratman stated that he believes the road drains adequately. The flooding problem is not caused by road drainage.

Mark Compton, 14152 Dartmouth Drive

Mr. Compton asked if the road commission will consider only repaving the areas that are in poor condition. Supervisor Mathis stated that the road commission has indicated that the entire road will likely have to be paved in order to correct the drainage problems.

Kathy Smith, 14202 Dartmouth Drive

The catch basin nearest her home is higher than the road so it only works when the area floods high enough to reach the drain. The low area of Dartmouth Drive floods badly during heavy rains.

Clerk Krug reported that two property owners, Joss and Morris, had submitted letters opposing the paving project. Instead they suggested paving Darts Drive, the private road connecting Dartmouth Drive to Fenton Road. After additional discussion, Clerk Krug suggested postponing action on the resolution until the next meeting. He also suggested inviting a representative of the Genesee County Road Commission to attend for the purpose of answering questions and providing information.

Motion to postpone Resolution No. 2014-12 to the 8/18/14 meeting, and to ask the Genesee County Road Commission to send a representative to the meeting.

Motion: Krug

Second: Kesler

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

Nays: None

Motion carried.

**Proposed Amendment to PUD Conditions for Previously Approved PUD Project –
Vicinia Gardens, (parcels 06-33-400-030, 06-33-400-031 & 06-33-400-032);
Public Hearing & 1st 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, commonly known as Vicinia Gardens. Treasurer Tucker explained the proposed changes, which include the addition of a skilled nursing center, an increase in the total units from 161 to 205 and an increase in building height for the independent senior center from 40 to 47 feet. The Planning Commission has unanimously recommended approval of the amendment.

Steve Steffey, representing Vicinia Gardens, noted that the taller building will have fire suppression installed and the fire chief is OK with the building height. He also addressed concerns regarding impact on the aquifer. The DEQ requires test wells and it has been determined that the aquifer is more than adequate to supply Vicinia Gardens and the surrounding properties.

Public Comment:

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Tom Howley, 4073 Autumn Wood Drive

Mr. Howley stated that the streets in their subdivision have been damaged by construction traffic. He also questioned the reasoning behind the increased building height and if that creates a potential safety problem.

Mr. Steffey responded that the harsh winter, rather than construction traffic, was the cause of the road deterioration. Most of the construction traffic accesses the site directly from Jennings Road.

Terri Ransom-Howley, 4073 Autumn Wood Drive

Ms. Ransom-Howley also believes that damage/deterioration on Silver Chase Drive was caused by construction traffic. Construction traffic has also blocked the road at times.

Paula Hayes

Ms. Hayes stated that she prefers more trees, berms and screening around the facility. Concrete trucks have been traveling over Silver Chase Drive and she personally witnessed one truck damage the intersection of Silver Chase and Vicinia Drive. She is concerned with the proposed expansion of the project and also asked if the property was being rezoned to commercial.

Treasurer Tucker explained that the property is zoned PUD and is not being rezoned. He also explained how the Planned Unit Development (PUD) zoning classification works, with specific limitations on uses, which may include commercial uses.

Mr. Steffey clarified a few issues:

- Trees and screening will be addressed during site plan process.
- Safety issues are under the authority of the State Fire Marshal and the development will comply with all requirements.

The second reading of the proposed amendment will be conducted at the 8/18/14 meeting.

REPORTS:

Ordinance Enforcement 2nd Quarter Report

The board reviewed the second quarter report from Ordinance Enforcement Officer Bob Atkinson. Tall grass, blight and zoning were the highest volume complaint categories during the second quarter.

Moffett Court Litigation Update

Treasurer Tucker reviewed existing litigation, which does not include Fenton Township, where property owners on Moffett Court are attempting to resolve lake access issues through the use of a 30 foot strip of land that was a gap in the original surveys. The proposed settlement of the issue would violate the anti-keyholing and lake lot width provisions of the Zoning Ordinance, although the property owners are claiming that the use is legal non-conforming because the use of the property for lake access pre-dates those provisions of the ordinance. Treasurer Tucker has recommended that the legal non-conforming issue be decided by the Zoning Board of Appeals.

The board discussed the merits of asking the ZBA to decide this issue. Attorney Cooley clarified that the judge in the case wants to know the Township's position before

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rendering a decision. Following further discussion, the board agreed to refer the matter to the ZBA.

Motion to refer to the Fenton Township Zoning Board of Appeals the issue of whether the proposed settlement of issues related to the access to Lake Fenton by properties on Moffett Court constitutes a legal, non-conforming use.

Motion by: Goupil

Seconded: Kesler

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

Nays: None

Motion carried.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

BOARD COMMENT:

Supervisor Mathis reported on the recent drowning on Lake Fenton. She commended the cooperative efforts of the Michigan State Police, Lapeer County Sheriff Department, and Genesee County Sheriff Department, along with the Fenton Township Fire Department in the search for the drowning victim. The residents also showed great cooperation by staying off the lake during the recovery efforts. The Moose Lodge served as the headquarters for the emergency operations, cancelling some of their events. Several area businesses donated food for the emergency workers over the 2½ day operation. She thanked all involved for their efforts.

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked if Marine Patrol reports are available. Trustee Goupil stated that the Sheriff Department does have reports and he will try to pick up a copy before the next board meeting.

Mr. Hawcroft also stated that he does not believe the stormwater detention/retention ponds along Silver Parkway in Fenton work properly. Even moderate rains immediately impact Lake Ponemah.

ADJOURN: Meeting adjourned at 9:25 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

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Minutes Posted 8/6/14