

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JANUARY 8, 2018**

**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 Doyle
and Operations Manager Broecker.

Absent: None

OPENING PRAYER / PLEDGE OF ALLEGIANCE:

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

APPROVAL OF AGENDA:

Supervisor Mathis requested that the Property Tax Hardship Exemption Policy be removed from the agenda. Attorney Belzer has suggested some revisions before it is adopted. Motion to approve the 1/8/18 Fenton Township Board Meeting agenda as amended.

Motion by: Tucker

Seconded: Kesler

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 12/18/17 regular meeting stand approved as presented.

EXPENDITURES:

Treasurer Tucker questioned the MMRMA invoice. The board agreed to remove this payment from the amount approved until an explanation is provided. Motion to approve invoices and expenditures for all funds totaling \$228,275.48 for payment as presented.

Motion by: Tucker

Seconded: Goupil

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

Rezoning #R17-007, Amendment to PUD Conditions – Lahring Linden Limited Partnership, Parcel 06-09-300-036 (4486 Lahring Road); Public Hearing & 1st Reading

Supervisor Mathis convened a public hearing and first reading for a proposed Zoning Ordinance amendment to revise the conditions for a previously approved PUD project. The Planning Commission has conducted a public hearing on this proposed amendment and has recommended approval.

Treasurer Tucker explained that the subject property already has an approved PUD project. The applicant initially requested an increase from 90 units to 120 units. The Planning Commission recommended denial of the amendment and the applicant withdrew their request. The current request is simply to allow attached and detached residential units rather than just detached. There appear to be significant storm water/drainage concerns with this and nearby properties. The development of the property, however, has

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the potential to improve these issues. Many issues raised at the Planning Commission hearing are related to the site plan rather than zoning.

Developer Kal Nemer explained that he has experience building similar developments in Michigan. He is looking forward to working with Fenton Township on this project.

Public comment:

Deborah Schmidt

Ms. Schmidt expressed concerns regarding:

- Drainage problems and the impact on the Indian Creek Drain.
- Impact on the aquifer and arsenic issues.
- Impact on the power grid.

She does not believe another development is needed.

Gassan Saab, developer partner

Mr. Saab affirmed that the project will be designed in a manner so existing problems aren't made worse.

Kim Carlson, engineer

Mr. Carlson stated that the project will include storm water detention to meet the requirements of the Genesee County Drain Commissioner. Potable water will be provided by private wells and sanitary sewer will be installed to service the entire development.

Treasurer Tucker again reminded the audience that many of these issues will be addressed at the site plan level.

The second reading of the proposed ordinance will be conducted at the 1/22/18 meeting.

REPORTS:

Fire Department 4th Quarter & Annual Report

Fire Chief Ryan Volz reviewed 4th quarter and annual Fire Department statistics:

	<u>Oct-Dec, 2017</u>	<u>Total 2017</u>
Total alarms	178 (9 in Tyrone Twp)	734 (66 in Tyrone Twp.)
Fires/Explosions	13	37
EMS	115	512
Hazardous cond.	6	27
Service calls	17	54
Good intent calls	17	59
False alarms	9	43
Weather/Nat.Disaster	1	2

The board thanked Chief Volz for his report.

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Ordinance Enforcement 4th Quarter Report

Supervisor Mathis reviewed the 4th quarter report from Ordinance Enforcement Officer Pat Shaw. Blight issues and junk vehicles were the categories with the highest number of complaints for the quarter.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Rezoning #R17-003, Charles Mueller, Parcel 06-31-400-003 (16362 Linden Road); R-3 to AG/2nd Reading

Supervisor Mathis reviewed a proposed rezoning amendment to rezone property on Linden Road from R-3 to AG, which was introduced at the 12/18/17 meeting. The property owner wishes to combine the subject property to his existing AG property, which requires that the subject property be zoned AG as well. There was no further discussion.

Motion to adopt Ordinance No. 799, an amendment to Zoning Ordinance No. 594 to rezone parcel 06-31-400-003 from R-3 to AG, as presented.

Motion by: Goupil

Seconded: Kesler

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

Nays: None

Motion carried. Ordinance declared adopted.

Rezoning #R17-005, Ridgway White, Parcel 06-23-530-026 (14090 Swanee Beach Drive); R-3 to AG w/conditions/2nd Reading

Supervisor Mathis reviewed a proposed rezoning amendment to rezone property on Swanee Beach Drive from R-3 to AG, with conditions, which was introduced at the 12/18/17 meeting.

Treasurer Tucker stated that the residents that spoke at the Planning Commission hearing were equally divided. Some preferred the farming operation to a residential subdivision, while others were opposed to agricultural operations next to existing residential uses. Specific concerns included odors, animals getting loose and the proximity of farm animals to the existing homes.

Supervisor Mathis agreed that the lack of designated fenced areas for the livestock is a concern for neighboring property owners.

Trustee Lorraine pointed out that the number of animals is relatively small for the size of the property. The property owner is not likely to put himself in a position of liability by not controlling the livestock.

Clerk Krug asked if the board should consider a zoning moratorium until the Master Plan update is completed. Attorney Doyle stated that a moratorium under the current circumstances is not advisable and may not survive a legal challenge.

Clerk Krug also noted that the applicant constructed a large accessory building without obtaining the required permit.

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Public Comment:

Eric Slone, 2322 Grove Park Road

Mr. Slone is opposed to the proposed rezoning. He believes it is inappropriate to allow a farm in the middle of a residential area. The request is not consistent with the Master Plan or surrounding zoning. He also is concerned with the fact the owner built a barn without approvals.

Jo Lee Wambach, 2349 Grove Park Road

Ms. Wambach supports the rezoning request. She has no problems with farm animals near her property.

Treasurer Tucker pointed out that the Township and the applicant are currently in disagreement as to whether he is protected by the Right to Farm Act. Rezoning to AG would likely cause the property to fall under the RTFA.

Ridgway White, applicant

Mr. White stated he purchased the 93-acre property about a year ago. Because he asserts he is protected by the RTFA, he believes his pole barn was constructed legally without a permit.

Motion to adopt an amendment to Zoning Ordinance No. 594 to rezone parcel 06-23-530-026 from R-3 to AG, with conditions, as presented.

Motion by: Lorraine

Seconded: Mathis

Ayes: Lorraine

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

Motion failed. The ordinance is not adopted.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Donation of Shipping Containers – Fenton Township Fire Department

Fire Chief Ryan Volz explained that TIDI Products has offered to donate three 40-foot steel shipping containers to Fenton Township. The Fire Department can use the containers to construct a training facility. Such a facility would greatly assist the fire department in their training efforts. If approved, the training facility would be set up behind Fire Station No. 1. The board briefly discussed how the facility would be set up and the types of training for which the facility can be used.

Motion to accept the donation of three shipping containers from TIDI Products, LLC to be used by the Fenton Township Fire Department.

Motion by: Tucker

Seconded: Kesler

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

Nays: None

Motion carried.

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Proposed Summer Tax Collection Agreements – Linden, Fenton & Genesee Intermediate School Districts

Supervisor Mathis noted that Fenton Township has received requests again this year to collect a portion of the local school district taxes in the summer property tax bills. Agreements have been prepared to formalize these arrangements with Linden & Fenton Schools and GISD. The agreements are identical to the agreements executed for 2017.

Motion to approve the 2018 Summer Tax Collection Agreement with Linden Community Schools as presented.

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

Motion carried.

Motion to approve the 2018 Summer Tax Collection Agreement with Fenton Area Public Schools as presented.

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

Motion carried.

Motion to approve the 2018 Summer Tax Collection Agreement with the Genesee Intermediate School District as presented.

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

Motion carried.

Schedule Public Hearing – 2018 Local Road Improvements

Supervisor Mathis stated that, in keeping with the past practices of the Township Board, she would like to schedule a local road improvement public hearing for the 1/22/18 township board meeting. This hearing will give the board an opportunity to obtain citizen input regarding potential local road improvement projects prior to making any final decisions.

Motion to schedule a public hearing for January 22, 2018 to obtain citizen input regarding potential local road improvement projects for 2018.

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

Motion carried.

Offer to Purchase Tax-Reverted Property

Supervisor Mathis reported that the Township has received an offer on one of the tax-reverted properties currently listed for sale. Realtor Ed Constable could not attend tonight's meeting but provided a letter explaining that the township has received an offer of \$8,900 for a vacant lot in the Clover Knoll development. Given the lack of activity on

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this property since it was listed for sale and the fact that it has some drainage issues due to being the low point in the subdivision, Mr. Constable has recommended that the board either accept the offer or counter at \$10,000.00.

Motion to authorize a counter offer of \$10,000.00 for parcel 06-12-601-017 (Vacant lot – Clover Knoll Drive) to WM Bye, LLC, as presented.

Motion by: Mathis

Seconded: Tucker

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

Nays: None

Motion carried.

BOARD COMMENT:

None

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

Eric Slone, 2322 Grove Park Road

Mr. Slone asked about the status of the Master Plan update. Treasurer Tucker explained that the process is ongoing and the final update is expected to be completed later this year.

ADJOURN: Meeting adjourned at 9:00 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 01/10/18