

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MARCH 18, 2019**

**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, Attorney Belzer and
Operations Manager Broecker.

Absent: Reid

OPENING PRAYER / PLEDGE OF ALLEGIANCE:

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

APPROVAL OF AGENDA:

Motion to approve the 3/18/19 Fenton Township Board Meeting agenda as presented.

Motion by: Tucker

Seconded: Lorraine

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

Nays: None

Absent: Reid

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 3/4/19 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$1,143,376.53 for payment as presented.

Motion by: Lorraine

Seconded: Kesler

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

Nays: None

Absent: Reid

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

None

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Proposed Updated Vehicle Code Ordinance/1st Reading

Attorney Belzer reviewed a proposed updated Vehicle Code Ordinance to adopt the updated version of the Michigan Vehicle Code and related statutes. This ordinance would replace the previous ordinance, which was adopted in 2017.

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There was no public comment. The second reading of the proposed ordinance will be conducted at the 4/1/19 meeting.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

2019 Genesee County Road Commission Dust Control Contract

Operations Manager Broecker reviewed information regarding the Genesee County Road Commission's dust control program for 2019. The proposed contract includes the first application of liquid calcium chloride on unpaved roads funded equally by the Township and Road Commission, an optional second application funded by the Township, and a third application funded by the Road Commission. The Township needs to decide if it wants to fund the June application. The Township can receive two total applications (April & September) for approximately \$11,124 or all three applications (April, June & September) for approximately \$33,372. If the Township does not initially contract for the June application, it can be added back in as long as the road commission has enough time to adjust their chloride order (approximately 3 weeks). The board agreed to leave the June application out of the agreement, which is consistent with what has been done for the past several years.

Motion to approve the 2019 Genesee County Road Commission Dust Control Program, including applications of 38% liquid calcium chloride at a rate of 2,000 gallons per mile as follows:

- One application in late April or early May, with the cost divided equally between Fenton Township and the Genesee County Road Commission.
- One application in mid-September, with 100% of the cost paid by the Genesee County Road Commission.

Motion by: Goupil

Seconded: Kesler

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

Nays: None

Absent: Reid

Motion carried.

Resolution No. 2019-06, Memorial for DuWayne Stratman

Supervisor Mathis reported that DuWayne Stratman, former Fenton Township Fire Chief and Assistant Fire Chief, passed away recently at the age of 77. Mr. Stratman was very involved in the formation of Fenton Township's Fire Department in the 1970's and was a member of the department for 25 years. A memorial resolution has been prepared to honor Mr. Stratman's public service. Clerk Krug presented the following resolution:

RESOLUTION NO. 2019-06

WHEREAS, former Fenton Township Fire Chief and Assistant Fire Chief DuWayne D. Stratman passed away on March 5, 2019, and

WHEREAS, Mr. Stratman was a long-time resident of Fenton Township, during which time he contributed greatly to the progress and welfare of the community, most

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notably as the one of the co-founders and first Fire Chief of the Fenton Township Fire Department, and

WHEREAS, Mr. Stratman served loyally and faithfully as a member of the Fenton Township Fire Department from its inception in 1975 until his retirement in 2000, serving in the position of Fire Chief and later as Assistant Fire Chief, helping to oversee the development of the fire department into one of the finest in Genesee County, while consistently exhibiting the qualities of leadership and dedication to public safety;

NOW, THEREFORE, BE IT RESOLVED, that the Fenton Township Board of Trustees hereby honors DuWayne D. Stratman for his valuable contributions to our community, conveys sincere appreciation and gratitude for his dedicated service to the government and citizens of Fenton Township and expresses profound sadness at his passing, and

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the minutes of this meeting and a copy given to Mr. Stratman's family.

Motion to adopt Resolution No. 2019-06 as presented.

Motion by: Krug

Seconded: Lorraine

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

Nays: None

Absent: Reid

Motion carried. Resolution declared adopted.

Zoning Issue - Property Adjacent to Silver Spray Sports

Supervisor Mathis introduced George Rizik, attorney for Silver-Marl Association. Mr. Rizik explained that residents are concerned with use of township properties for parking to support request to expand the existing Silver Spray Sports marina in the City of Fenton. While the use of the properties in question overflow parking in the past may be considered a legal non-conforming use, Mr. Rizik believes the request to expand the marina should eliminate the legal non-conforming status and require compliance with the current Zoning Ordinance.

Zoning Administrator Mike Deem acknowledged that the current parking situation does not conform to the current Zoning Ordinance, however he is not sure that the proposed expansion in the city would eliminate the non-conforming status of the parking in the Township if there were no proposed changes in the Township. Mr. Deem also explained that the Township's only involvement thus far is the issuance of a zoning letter confirming that the subject properties are zoned C-2 and that they have traditionally been used for marina overflow parking.

Trustee Lorraine asked where in the approval process is the proposed expansion in the City of Fenton. Zoning Administrator Deem stated that he does not know. The City of Fenton has not provided any formal communication to the Township. Attorney Rizik noted that the Fenton Planning Commission tabled the issue at their last meeting for several reasons. The issue is expected to be on their agenda at their 3/28/19 meeting.

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Attorney Belzer noted that parking is not a permitted use in the C-2 zoning district. Therefore, the use of the C-2 zoned lots in Fenton Township are a non-conforming use, although whether or not they are a *legal* non-conforming use has not yet been determined. The non-conforming use would only be legal if it was legal when it began. This is still being researched.

Public Comment:

The following individuals commented:

Richard Sobanski

Richard Affrica

Jason Russo

Sean Affrica

Ben Hunault

Bart Harris

Jack Townsend

Nick Flynn

Their concerns included:

- The carrying capacity of the lake, as determined by the DNR, has already been exceeded.
- A 2015 rezoning request for nearby property was denied due to multiple concerns, including safety and traffic congestion.
- The lake is already overcrowded, especially on the weekends. Expanding the marina should not be allowed.
- The existing marina/boat launch operated by Silver Spray Sports is very trashy and not well maintained.
- Silver Spray Sports already has ingress/egress issues.
- The Genesee County Sheriff Marine Patrol never patrols Silver Lake.
- An environmental impact study should be conducted before any expansion is considered.

The board again clarified that the Township has no authority in the approval or denial of the proposed expansion.

Mark Mustola, Marl Lake resident and Fenton Township Planning Commissioner, stated that he believes the Township has the right to require a new site plan. The proposed expansion of the existing use in the City of Fenton equates to a proposed expansion of the parking in Fenton Township, which should require a new site plan and compliance with the current Zoning Ordinance. He suggested that the Township issue a letter to the City of Fenton outlining their concerns.

Attorney Rizik urged the residents to attend the Fenton City Planning Commission meeting on 3/28/19 and urge the commissioners to require Silver Spray Sports to provide proof of adequate parking.

After a brief discussion, the board agreed with Mr. Mustola's recommendation to issue a letter to the City of Fenton outlining the Township's concerns.

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Motion to direct Zoning Administrator Deem to issue a letter to the City of Fenton to clarify the Township's position on, and outline the Township concerns with the proposed marina expansion, and to urge the city to calculate the required parking according to their own Zoning Ordinance.

Motion by: Krug

Seconded: Mathis

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

Nays: None

Absent: Reid

Motion carried.

BOARD COMMENT:

None

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

Leo Foley,

Mr. Foley introduced himself as a 2020 candidate for Circuit Court judge. He is attending local governmental meetings to stay up-to-date on current issues.

ADJOURN: Meeting adjourned at 9:10 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 3/19/19