

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MAY 20, 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, Reid, Attorney Belzer 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:

Motion to approve the 5/20/19 Fenton Township Board Meeting agenda as presented.

Motion by: Tucker

Seconded: Lorraine

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

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 5/6/19 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$331,973.88 for payment as presented.

Motion by: Tucker

Seconded: Kesler

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

None

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Rezoning #R19-002, Horizon Lakes Airpark, parcels 06-29-626-037, 06-29-626-038, 06-29-626-039 & 06-29-626-040, (618 Silver Lake Road); Amendment to Existing PUD to allow 15 airplane hangars/2nd Reading

Supervisor Mathis stated that this is the second reading of a proposed Zoning Ordinance amendment to amend the existing PUD for the Horizon Lakes Airpark development to allow 15 airplane hangars. The original plan included two large hangars. The applicants are requesting 15 smaller hangars. The Planning Commission unanimously recommended approval of the proposed amendment.

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Motion to adopt Ordinance No. 807, an amendment to Zoning Ordinance No. 594 to revise the PUD conditions for the Horizon Lakes Airpark development to allow the development of 15 airplane hangars on parcels 06-29-626-037, 038, 039 & 040, as presented.

Motion by: Tucker

Seconded: Goupil

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

Nays: None

Motion carried. Ordinance declared adopted.

Proposed Zoning Ordinance Amendment to Allow Uses of Less Intensity by Special Use Permit/2nd Reading

Supervisor Mathis stated that this is the second reading of a proposed Zoning Ordinance amendment to allow less intensive uses by special use permit in certain zoning districts. Treasurer Tucker explained that the rationale behind the proposed amendment is to allow less intensive uses in commercial and industrial zoning districts by special use permit. The proposed amendment would allow more flexibility within the Zoning Ordinance while maintaining Planning Commission control.

Motion to adopt Ordinance No. 808, an amendment to Article 3 of Zoning Ordinance No. 594 to allow less intensive uses by special use permit in non-residential and non-agricultural zoning districts, as presented.

Motion by: Lorraine

Seconded: Tucker

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

Nays: None

Motion carried. Ordinance declared adopted.

Proposed Ordinance to Prohibit Recreational Marihuana Establishments/1st Reading

Supervisor Mathis opened the first reading of a proposed ordinance to prohibit recreational marihuana establishments in Fenton Township. Michigan's Regulation and Taxation of Marihuana Act (MRTMA) initiative, approved by voters during the November 2018 election, requires cities and townships to affirmatively opt-out if their desire is to prevent recreational marihuana establishments and retail centers from locating in their communities. The State of Michigan may approve emergency rules as early as next month and shortly begin accepting applications. Although the law does not fully take effect until December, communities are being advised to adopt regulatory ordinances now if they have not already done so.

Attorney Belzer explained that the proposed ordinance to prohibit recreational marihuana facilities is the result of prior discussions of the township board. The ordinance language is based on suggested language from the Michigan Townships Association. Mr. Belzer confirmed that the proposed ordinance, if adopted, would prohibit all recreational marihuana facilities, including retail establishments, growing facilities, etc. He also emphasized that violation of the ordinance would be a civil infraction rather than a misdemeanor (i.e. criminal).

There was no public comment. The second reading of the proposed ordinance will be conducted at the 6/3/19 meeting.

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UNFINISHED BUSINESS:

None

NEW BUSINESS:

Resolution No. 2019-11, Public Hearing - Four Lakes Street Improvement Special Assessment District

Operations Manager Broecker reminded the board that a resolution confirming a special assessment roll for the Four Lakes Street Improvement Special Assessment District was adopted on 8/6/18. During the process of finalizing the construction agreement for the project, the Township was advised that the cost proposal used as the basis for the special assessment was not calculated correctly by the contractor. After considering all options, the committee of property owners that oversaw the special assessment process decided to solicit new construction proposals over the winter, with a goal of completing the street improvements in 2019. The scope of the project was revised to include improvements for Crystal Cove Court and Emerald Pointe, as well as the "original" five streets, (Four Lakes Avenue, West Four Lakes Drive, Sadler Drive, Squaw Lake Drive and Isleview Drive). The construction specifications were also upgraded to extend the life of the new pavement.

The updated bids have been received and reviewed, and a revised special assessment roll has been created, certified and filed with the Township Clerk. Because the project scope and construction specifications were changed, the overall costs have increased from the original estimates. Because the revised cost exceeds the original estimated cost by more than 10%, the special assessment statute, (PA 188 of 1954), requires the board to hold a hearing to give property owners an opportunity to provide input on whether or not the project should move forward. If the board determines to move forward, that same hearing can include a review and confirmation of the special assessment roll. A resolution has been prepared to schedule the public hearing.

Public Comment:

John Elliott, 4200 West Four Lakes Drive

Mr. Elliott stated that he is supportive of the revised plan, however some neighbors have expressed concern over the significant cost increase. Supervisor Mathis noted that the public hearing would be an opportunity for property owners to comment on the cost increase, as well as the special assessment roll.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2019-11

WHEREAS, the Supervisor and assessing officer of the township has, in accordance with the resolution of the Fenton Township Board and the laws and statutes pertinent thereto, prepared a revised special assessment roll in the total amount of \$618,388.56 covering all parcels of land in the Four Lakes Street Improvement Special Assessment District according to the relation of the benefit to each parcel of land to the total benefit to all parcels of land in such special assessment district, and has affixed thereto her certificate as required by said resolution, and

WHEREAS, the total cost in said special assessment roll exceed the previous estimated cost by more than ten percent (10%), and

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WHEREAS, Public Act 188 of 1954, as amended, requires that, if an actual incremental cost increase exceeds the estimate costs by 10% or more, notice shall be given and a hearing afforded to the record owners of property to be assessed;

NOW, THEREFORE, BE IT RESOLVED as follows:

- 1. That the Fenton Township Board tentatively accepts the construction bid of Eastern Asphalt Company, Inc. in the amount of \$571,036.00, which is the basis for the special assessment roll.*
- 2. That said special assessment roll shall be filed with the Township Clerk and shall be available for public examination during regular working hours of regular working days from the present date until the public hearing upon the same and shall further be examined at such public hearing.*
- 3. That the Fenton Township Board shall meet at 7:30 p.m. on June 3, 2019 at the Fenton Township Civic Community Center located at 12060 Mantawauka Drive, within the township, to:*
 - a. Receive comment from property owners in the special assessment district regarding the continuation of the project given the increase in costs.*
 - b. Review the special assessment roll and hear any objections thereto.*
- 4. That the Township Clerk shall cause notice of such hearing and the filing of such assessment roll to be published twice in the Tri-County Times, a newspaper of general circulation in the township prior to the date of the hearing, with the first publication being not less than ten (10) days prior to the hearing and shall further cause notice of such hearing to be mailed by first class mail to all owners of or persons having an ownership interest in property within the Four Lakes Street Improvement Special Assessment District as shown on the current assessment roll of the Township also at least ten (10) days prior to said hearing, all in accordance with the law and statute provided.*
- 5. All resolutions and parts of resolutions insofar as they conflict with the provisions of the within resolution are hereby rescinded.*

Motion to adopt Resolution No. 2019-11 as presented.

Motion by: Krug

Seconded: Lorraine

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

Nays: None

Motion carried. Resolution declared adopted.

Resolution No. 2019-12, Proposed New Lake Improvement Special Assessment District for Byram Lake

Operations Manager Broecker reported that the most recently approved lake improvement special assessment for Byram Lake ended with the 2018 assessment, which will fund the 2019 treatment program. The lake association has submitted a new proposal to continue the program for another five years. This will require the creation of a new special

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assessment district. A resolution has been prepared to initiate the special assessment process and schedule a public hearing on the creation of the new special assessment district. Clerk Krug presented the following resolution:

RESOLUTION NO. 2019-12

WHEREAS, the township board of the Charter Township of Fenton has determined to proceed under the authority of Michigan Public Act 188 of 1954, as amended, to create a special assessment district for the purpose of continuing a lake improvement project for Byram Lake, and

WHEREAS, plans and estimates of costs for the foregoing lake improvements have been placed on file in the office of the Township Clerk;

NOW, THEREFORE, BE IT RESOLVED, that this township board does hereby tentatively declare its intent to continue the lake improvement program for Byram Lake, consisting of the eradication and/or control of aquatic weeds and plants and services related thereto, and

BE IT FURTHER RESOLVED, that this township board does tentatively designate the special assessment district against which the costs of the improvements are to be assessed as Byram Lake Improvement Special Assessment District No. 2, which shall include the lands and premises more particularly described as follows:

All parcels of land with frontage on, or legal access to, Byram Lake
and

BE IT FURTHER RESOLVED, that a hearing on any objections to the improvement, the estimate of costs, and to the special assessment district proposed to be established for the assessment of the cost of such improvement, shall be held on Monday June 3, 2019 at a regular meeting of the township board at the Fenton Township Civic Community Center, 12060 Mantawauka Drive, Fenton, Michigan, commencing at 7:30 p.m., and

BE IT FURTHER RESOLVED, that the Township Clerk is instructed to give proper notice of such hearing by mailing and publication in accordance with law and statute provided, and

BE IT FINALLY RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

Motion to adopt Resolution No. 2019-12 as presented.

Motion by: Krug

Seconded: Lorraine

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

Nays: None

Motion carried. Resolution declared adopted.

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Proposal to Replace Roof - Bowles Street Fire Station

Supervisor Mathis reported that Fire Chief Volz obtained three proposals to replace the roof at the Bowles Street Fire Station. The board reviewed the proposals, which were as follows:

L. Knauff Construction, LLC	\$ 19,860.00
Maxim Roofing	22,500.00
White & Sons Roofing, LLC	22,680.00

Treasurer Tucker noted that final cost could be higher if roof decking needs to be replaced more extensively than what was allowed for in the bids. He supports awarding the contract to the low bidder.

Motion to accept the proposal of L. Knauff Construction, LLC for the replacement of the roof at the Bowles Street Fire Station at a cost of \$19,860.00, as presented.

Motion by: Tucker

Seconded: Lorraine

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

Nays: None

Motion carried.

Resignations - Fenton Township Fire Department

The board reviewed letters of resignation from Fenton Township firefighters David Strominger and Thomas Swartz. Mr. Strominger cited personal reasons for his decision, while Mr. Swartz recently started a new job, which will not allow him to maintain the minimum alarm response percentage.

Motion to accept the resignation of David Strominger from the Fenton Township Fire Department, effective immediately.

Motion by: Reid

Seconded: Goupil

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

Nays: None

Motion carried.

Motion to accept the resignation of Thomas Swartz from the Fenton Township Fire Department, effective immediately.

Motion by: Goupil

Seconded: Kesler

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

Nays: None

Motion carried.

Proposed Hiring - Fenton Township Fire Department

The board reviewed a memo from Fire Chief Volz requesting approval from the board to hire one new member for the Fire Department. Michael Schwiuntek, Jr., who was previously a member of the Fenton Township Fire Department, already has his Firefighter 1 and Firefighter 2 certifications. Chief Volz believes he will be an excellent addition to the department.

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Motion to hire Michael Schwiuntek, Jr. as a member of the Fenton Township Fire Department.

Motion by: Goupil

Seconded: Tucker

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

Nays: None

Motion carried.

BOARD COMMENT:

Attorney Belzer reported that the blighted property on Swanee Beach Drive, for which a court order was issued to allow the Township to contract for the cleanup of the property, was cleaned up by the property owner without any action by the Township.

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

Elaine Kinsman, 13277 Golden Circle

Ms. Kinsman stated that she is concerned with recreational and commercial vehicles being parked on the street and in front yards of properties in their neighborhood. She believes these vehicles create not only an eyesore, but also a traffic hazard. She also stated that a property owner is operating a landscape business from his home with several commercial vehicles parked there. She is asking the Township for help. Surrounding communities have enacted ordinances to regulate the parking of recreational and commercial vehicles in residential districts and Ms. Kinsman believes Fenton Township should consider something similar. She circulated photos of the areas of concern among the board members. Supervisor Mathis stated that the Township would investigate these concerns.

Scott Caten, 12125 Fairbanks Road

Mr. Caten, a member of the Fenton Township Fire Department, expressed concern with disciplinary action documents received from the Fire Chief. Attorney Belzer advised Mr. Caten to address these concerns directly with the Fire Chief.

Mr. Caten also stated that fire department trainings are routinely held on Mondays, making it impossible for him to attend the Township Board meetings. Attorney Belzer noted that training sessions conducted by other fire departments are a possible alternative for any Fenton Township trainings that conflict with a meeting he wants to attend.

ADJOURN: Meeting adjourned at 8:20 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 5/21/19