

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF APRIL 6, 2020**

**MEETING HELD BY TELEPHONE CONFERENCE CALL
PER MICHIGAN EXECUTIVE ORDER 2020-15**

Supervisor Mathis called the meeting to order at 7:30 p.m.

Present: Mathis, Tucker, Goupil, Kesler, Lorraine, Reid

Absent: Krug

Also Present: Attorney Belzer, Operations Manager Broecker, Zoning Administrator Deem

OPENING PRAYER:

Trustee Goupil offered the opening prayer.

APPROVAL OF AGENDA:

Motion to approve the 4/6/20 Fenton Township Board Meeting agenda as presented.

Motion by: Lorraine

Seconded: Tucker

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

Nays: None

Absent: Krug

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 3/2/20 regular meeting stand approved as presented.

EXPENDITURES:

Treasurer Tucker asked about the invoice for the flow meter. Engineer Allen Lawrence confirmed that a new sewer flow meter was recently installed near the Lake Fenton mobile home community. Motion to approve invoices and expenditures for all funds totaling \$2,081,964.94 for payment as presented.

Motion by: Tucker

Seconded: Kesler

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

Nays: None

Absent: Krug

Motion carried.

PUBLIC HEARINGS:

Proposed PUD Amendment - Lake Fenton Self-Storage, parcels 06-02-100-002 and 06-02-100-003, (11191 & 11175 Torrey Road); Public Hearing & Introduction/1st Reading

Supervisor Mathis opened a public hearing on a proposed Zoning Ordinance amendment to revise the conditions for a previously approved PUD zoning. The proposed amendment would permit the development of a self-storage facility on the subject property. Supervisor Mathis asked Treasurer/Planning Commissioner John Tucker to provide input from the Planning Commission. Treasurer Tucker noted that the proposed use of the property is consistent with the Master Plan and that the Planning Commission unanimously recommended adoption of the ordinance after their public hearing in February. Most of the issues raised by residents at the Planning Commission meeting were site plan issues, which would be addressed at the Planning Commission, and are not an issue for the zoning decision. Zoning Administrator Mike Deem briefly reviewed the conditions of the

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proposed ordinance, which includes Planning Commission control over buffering and landscaping requirements.

Trustee Lorraine asked if the driving surfaces in the proposed storage facility would be paved. Applicant Brian Tait confirmed that the driveway in the storage unit area would be paved. The open area for outdoor storage would be a non-paved, crushed asphalt surface.

Public Comment:

The following individuals addressed the board regarding the proposed zoning amendment:

Theresa Klassa, 11190 Main Road
William Downer, 11111 Torrey Road
Glenda Downer, 11111 Torrey Road

Their comment, concerns and objections included:

- There are numerous existing storage facilities in our area. Another one is not needed.
- Storage facilities are unsightly.
- Water runoff and flooding concerns.
- Traffic concerns.
- 24/7 access will create a safety hazard.
- A detention pond to control storm water may create a safety hazard for neighborhood children.
- The proposed storage facility is in a residential area.
- Excessive lighting and fencing.

Operations Manager Broecker also noted the following comments received via mail or email:

Irene Sobolesky, 11202 Main Road

Ms. Sobolesky stated that she believes another storage facility is not needed and does not want such a facility next to her property.

William Downer, 11111 Torrey Road

Mr. Downer's written communication included the same concerns he raised by telephone:

- Water runoff/flooding.
- No need for another storage facility.
- Impact on safety and contrary to residential surroundings.

Glenda Downer, 11111 Torrey Road

Ms. Downer's written communication included similar concerns she raised by telephone:

- Drainage and flooding.
- Safety, especially for neighborhood children.
- There are better locations for this type of use along Thompson Road.

Angela Adams, 11150 Torrey Road

Ms. Adams expressed concern regarding the location of the proposed storage facility. She believes it is too close to residential uses and would be better located in a more commercial area.

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Supervisor Mathis closed the public hearing. The second reading and vote on adoption of the proposed ordinance will be conducted at the 4/20/20 township board meeting.

REPORTS:

Supervisor Mathis gave brief updates on the following:

Law Enforcement

The Genesee County Sheriff Department has altered shift schedules to protect the health of the deputies. The Township is still well covered.

Fire Department

The Fire Department has been responding to a mix of medical alarms and illegal burning. Supervisor Mathis reminded the public that open burning is illegal in Fenton Township.

Sewer Maintenance

The sewer maintenance crews are seeing an increased volume of grease in the sewer system, along with a very high volume of wipes and paper towels. Engineer Allen Lawrence confirmed that the crews have had to clean grease buildup from manholes and sewer pump stations. They are also doing what they can to catch the wipes and other non-flushables in the system before they get to a pump station. Both situations can lead to blockages in the sewer system, which can cause sewage backups into homes. Supervisor Mathis emphasized that cooking grease should never be dumped down the drain or flushed in a toilet. She also stressed that toilet paper is the only material that should be flushed down a toilet. Treasurer Tucker agreed, noting that many cleaning wipes are marketed as “flushable”. In truth, they should never be flushed.

Park Update

Supervisor Mathis noted that many parks are closing due to the COVID-19 pandemic. She asked the board to consider whether the Thompson Road Regional Dog Park should be closed or remain open. This will be discussed at the 4/20/20 meeting.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Proposed Criminal Offense Ordinance (Larceny) - 2nd Reading/Vote

Supervisor Mathis explained that the proposed ordinance is a re-adoption of the existing Assault & Battery Ordinance. The reason for the re-adoption is to change the ordinance number to follow the preferred format. She asked Attorney Jack Belzer to further explain. Attorney Belzer confirmed that the language in the ordinance is not being changed. Changing the ordinance number itself will reference the appropriate state statute and will be consistent with other recently adopted criminal offense ordinances.

Motion to adopt Ordinance No. 06-81-20, a re-adoption of the criminal offense ordinance prohibiting assault, battery and similar offenses, as presented.

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

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Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Proposed Street Completion Escrow Agreement - Landings at Crane's Cove

Treasurer Tucker reviewed a proposed escrow agreement for the Landings at Crane's Cove development. The agreement requires the developer to place funds in escrow for the repair and completion of the streets so additional building permits may be issued within the development.

Supervisor Mathis noted that the agreement uses the term "as soon as possible". She asked why a specific date was not indicated. Treasurer Tucker stated that no building permits would be issued in this development until the agreement is in place and the funds placed in escrow. If the developer decides to do that later in the year, that is his choice.

Trustee Reid asked why we simply don't require the road to be completed now. Treasurer Tucker noted that, while the current Zoning Ordinance requires completion of the streets before permits are issued, this development pre-dates that requirement. In addition, the owner/developer is not the entity requesting building permits so this agreement is a compromise to allow building to continue without completing the streets.

Attorney Belzer stated this agreement is a good idea. It protects both the Township and the residents.

Trustee Reid asked if the Township expects the developer to approve the agreement and escrow the funds. Treasurer Tucker stated that he has verbally approved the agreement and has already begun soliciting bids for the roadwork. This seems to be an indication that he intends to comply with the agreement.

Engineer Allen Lawrence, who has worked with Treasurer Tucker on the proposed agreement, believe this is the best option for all parties.

Motion to approve the Street Completion Escrow Agreement between Fenton Township and MABAP, LLC, as presented.

Motion by: Lorraine

Seconded: Tucker

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

Nays: None

Absent: Krug

Motion carried. Ordinance declared adopted.

Proposed 2020 Local Road Projects

Operations Manager Broecker reviewed cost estimates for the following local road projects:

- Asphalt paved aprons on Ray Road at Torrey Road (both sides). The total estimated cost of the two projects is \$63,080.66. As Ray Road is a boundary road, the cost would

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be shared equally with Mundy Township. The Township’s estimated cost, after applying GCRC 50/50 allocation funds, is \$15,770.16.

- Asphalt paved apron on Ray Road at Fenton Road. The total estimated cost of the project is \$28,112.68. As with the previous project, the cost would be shared equally with Mundy Township. The Township’s estimated cost, after applying GCRC 50/50 allocation funds, is \$7,028.17.
- Catch basin repairs at five locations. The estimated cost for each repair is \$5,000.00, with the cost divided equally between the Township and GCRC. The total estimated cost for the Township for these five is \$12,500.00.

The board also reviewed a breakdown of projects already approved, along with the projects presented for approval at this meeting, and other potential projects for which cost estimates have been requested. Based on this cost analysis, and recommendations from Lawrence Engineering, these four projects are recommended for approval as they fall well within the 2020 budget.

Motion to approve the following local road projects for 2020, as presented:

- Paved Approach - Ray Road at Torrey Road (west side)
- Paved Approach - Ray Road at Torrey Road (east side)
- Paved Approach - Ray Road at Fenton Road
- Catch Basin Repairs - 13296, 13447 & 13448 Pomona, 14007 Haddon & 6328 Restwood

- Motion by: Tucker
- Seconded: Kesler
- Ayes: Mathis, Tucker, Goupil, Kesler, Lorraine, Reid
- Nays: None
- Absent: Krug

Motion carried.

2020 GCRC Dust Control Contract

Operations Manager Broecker reviewed information regarding the Genesee County Road Commission’s dust control program for 2020. 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 2020 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.

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Motion by: Tucker
Seconded: Goupil
Ayes: Mathis, Tucker, Goupil, Kesler, Lorraine, Reid
Nays: None
Absent: Krug
Motion carried.

Proposed GCRC Agreement - Margaret Drive Improvements

Operations Manager Broecker noted that the Township Board approved a revised Genesee County Road Commission (GCRC) cost proposal for the resurfacing of Margaret Drive at the 3/2/20 meeting. The revised proposal included a modest increase from the proposal approved in February, from \$212,070.08 to \$214,899.09.

On 3/9/20, GCRC advised the Township that the project to mill and resurface Margaret Drive would be bid out, rather than be completed by the GCRC Maintenance Department. GCRC has provided a proposed Local Road Agreement for Township Board approval. The scope of work remains the same and the preliminary cost estimate is \$212,000.00. Once the board approves the agreement, GCRC will bid the project out. In order to move the project forward, approval of the GCRC Local Road Agreement for Margaret Drive as presented is recommended.

Motion to approve the Local Road Agreement with the Genesee County Road Commission for the rehabilitation of Margaret Drive, as presented.

Motion by: Tucker
Seconded: Reid
Ayes: Mathis, Tucker, Goupil, Kesler, Lorraine, Reid
Nays: None
Absent: Krug
Motion carried.

GCRC Proposal - Hogan Road Bridge Replacement

Operations Manager Broecker reviewed a letter from the Genesee County Road Commission (GCRC) regarding the replacement of the Hogan Road Bridge over the Shiawassee River. In 2018 and 2019, the Township Board approved a commitment of funds toward the bridge replacement based on GCRC receiving 2021 and 2022 grant funds from MDOT to replace the bridge. Unfortunately, neither of those applications were approved for funding and GCRC is now applying for 2023 bridge replacement funds. They are asking the Township to commit \$188,400 toward the \$1.57 million project. It is recommended that the board again commit matching funds for this project.

Motion to authorize a letter of support committing \$188,400.00 in the year 2023 toward the replacement of the Hogan Road Bridge over the Shiawassee River.

Motion by: Tucker
Seconded: Reid
Ayes: Mathis, Tucker, Goupil, Kesler, Lorraine, Reid
Nays: None
Absent: Krug
Motion carried.

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**Resolution No. 2020-03, Schedule Public Hearing – Silver Ridge Street Improvement
Special Assessment District**

Operations Manager Broecker noted that the Fenton Township Board adopted a resolution on 7/15/19 to create the Silver Ridge Street Improvement Special Assessment District for the reconstruction of all streets within the Silver Ridge subdivision. The Genesee County Road Commission completed the design and engineering for the project earlier this year and bid out the project last month. The low bid among the three bidders was \$1,305,418.00, which is \$55,418.00 (4.4%), above the initial estimate. Using the low bid, a special assessment roll has been created, certified and filed with the Township Clerk. The next step in the process is to schedule a public hearing on the special assessment roll. Treasurer Tucker suggested moving the public hearing to 5/4/20 rather than 4/20/20 in the hopes that the 5/4/20 meeting will be held in person. The board agreed. Operations Manager Broecker presented the following resolution:

RESOLUTION NO. 2020-03

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 \$1,331,088.45 covering all parcels of land in the Silver Ridge 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;

NOW, THEREFORE, BE IT RESOLVED as follows:

- 1. That said special assessment roll shall be filed with the Township Clerk and shall be available for public examination on the Township's website from the present date through the date of the public hearing upon the same.*
- 2. That the Fenton Township Board shall meet at 7:30 p.m. on May 4, 2020 at the Fenton Township Civic Community Center located at 12060 Mantawauka Drive, within the township, or via telephone conference call 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.**
- 3. 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 Silver Ridge 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.*
- 4. All resolutions and parts of resolutions insofar as they conflict with the provisions of the within resolution are hereby rescinded.*

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Motion to adopt Resolution No. 2020-03 as presented.

Motion by: Lorraine

Seconded: Tucker

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

Nays: None

Absent: Krug

Motion carried. Resolution declared adopted.

BOARD COMMENT:

None

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

None

ADJOURN: Meeting adjourned at 9:02 p.m.

Bonnie Mathis, Supervisor

Thomas Broecker, Deputy Clerk

Minutes Posted 04/07/20