

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF NOVEMBER 9, 2020**

**MEETING HELD BY TELEPHONE CONFERENCE CALL
PER MICHIGAN PUBLIC ACT 228 OF 2020**

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

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

Absent: None

Also Present: Attorney Stoltman (filling in for Mr. Belzer), Operations Manager Broecker, Zoning Administrator Deem, Fire Chief Volz, Bryan Bridenstine (Lawrence Engineering)

OPENING PRAYER:

Trustee Goupil offered the opening prayer.

APPROVAL OF AGENDA:

Motion to approve the 11/9/20 Fenton Township Board Meeting agenda as presented.

Motion by: Tucker

Seconded: Reid

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

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 10/19/20 regular meeting stand approved as presented.

EXPENDITURES:

Trustee Reid questioned expenses relating to the Genesee County Sheriff Department substation located at the township office. Supervisor Mathis advised that, after 18 years, the carpet, walls and furniture in the substation had deteriorated badly. She coordinated the painting of the offices and the purchase of new office furniture, flooring and lockers for the deputies. Motion to approve invoices and expenditures for all funds totaling \$553,800.32 for payment as presented.

Motion by: Tucker

Seconded: Krug

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

PUD Rezoning #R20-003, Gables of North Shore Condominium Association, parcel 06-11-527-029, (vacant land on Bowles Street); R-5 to Gables of North Shore PUD/Public Hearing & Introduction of Amendatory Ordinance

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to rezone property, add it to a previously approved PUD and revise the PUD conditions for the Gables of North Shore development. The Planning Commission has conducted a public hearing on this proposed amendment and has recommended approval.

Trustee Reid stated that she and her husband own one the of the units in the Gables of North Shore condominium development, and would be directly impacted by the zoning decision. She requested to remove herself from the board's discussion and abstain from voting due to a conflict of interest.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF NOVEMBER 9, 2020**

Motion to allow Trustee Reid to abstain from participating and voting on the Gables of North Shore PUD amendment due to a conflict of interest.

Motion by: Tucker
Seconded: Krug
Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Lorraine
Nays: None
Not voting: Reid
Motion carried.

Treasurer Tucker stated that the applicant for this rezoning is a client of his law firm and also requested to remove himself from the discussion and abstain from voting due to a conflict of interest.

Motion to allow Treasurer Tucker to abstain from participating and voting on the Gables of North Shore PUD amendment due to a conflict of interest.

Motion by: Goupil
Seconded: Reid
Ayes: Mathis, Krug, Goupil, Kesler, Lorraine, Reid
Nays: None
Not voting: Tucker
Motion carried.

Zoning Administrator Mike Deem provided an overview of the request, which would rezone vacant land adjacent to the development to PUD and add the parcel to the Gables of North Shore PUD. The subject property would be used to construct detached accessory buildings for existing condominium units. The Planning Commission has conducted a public hearing on the proposed zoning amendment and has recommended approval.

Public Comment:

Richard Hamilton, representing Gables of North Shore Condominium Association
Mr. Hamilton asked to confirm that the highlighted items in the proposed ordinance are the proposed new PUD conditions. Zoning Administrator Deem confirmed that this is the case. Supervisor Mathis asked if the garages were ever part of the conceptual plan. Mr. Hamilton stated that the original plan included two additional 4-unit structures along Bowles street, which were never developed.

Christine Reid, 12020 Bowles Street

Ms. Reid, co-owner of the home immediately adjacent to the subject property, expressed concern regarding the proposal. All other unit owners purchased their homes with full knowledge of their available garage space. She and her husband built their home knowing that the subject property was zoned for a single family home. Ms. Reid believes the construction of garages next to their home will negatively impact their property value and urged the board to deny the zoning request.

Gerald Hutto, 12012 Bowles Street

Mr. Hutto stated that Ms. Reid had previously indicated support for the additional garages. He also stated that the subject property was on the market for some time and suggested

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF NOVEMBER 9, 2020**

that Ms. Reid and Mr. Keils could have purchased the property themselves if they didn't want it developed.

Trustee Lorraine asked about the cost of the development. Mr. Hutto stated that the purchase price of land plus legal costs would be divided equally among the seven condo owners. Each owner would be responsible to build their own garage.

Clerk Krug asked who is profiting on this proposal. Mr. Hutto explained that no one is profiting from the proposal, other than maybe the previous owner of the property. All costs associated with the purchase of the property would be divided among the seven condo owners. Mr. Krug also suggested that the development of separate garages is not consistent with the Master Plan. He is very opposed to the proposed amendment.

Supervisor Mathis closed the public hearing. The second reading and a vote on the adoption of the proposed zoning amendment will be conducted at the 11/23/20 meeting.

**PUD Rezoning #R20-004, DMK Development Group, part of parcel 06-29-200-007,
(vacant land adjacent to Price's Airport); Horizon Lakes Airpark PUD to DMK
Senior Living PUD/Public Hearing & Introduction of Amendatory Ordinance**

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to create a new PUD project to develop a senior living facility on vacant land adjacent to the Horizon Lakes Airpark development. The Planning Commission has conducted a public hearing on this proposed amendment and has recommended approval.

Zoning Administrator Mike Deem explained that this request is to create a new PUD for an 83-bed assisted living facility on 8.62 acres Silver Lake Road, adjacent to the Horizon Lakes Airpark development. Discussions at the Planning Commission hearing raised questions regarding conformance with the Master Plan. The Planning Commission's recommendation for approval is conditional on review and potentially updating the Master Plan. The conditional recommendation of "approval" is not being given absent a future revision to the Master Plan which results in the proposed project being consistent with the revised/amended Master Plan. It was also noted there were no public objections raised at the hearing.

Mr. Deem also advised that the Planning Commission has already granted preliminary site plan approval for the project.

Treasurer Tucker stated that he does not believe the proposed project fits the current Master Plan designation of low density residential, although he understands that the Planning Commission may consider amending the Master Plan. He is not in favor of approving the rezoning unless the Master Plan is amended first. A decision on the Master Plan should be made before the board votes on the zoning amendment.

Public Comment:

Ross Oberhausen, DMK

Mr. Oberhausen understands the issue with the Master Plan and plans to attend the next Planning Commission meeting where the discussion on the Master Plan will take place.

Supervisor Mathis asked how long a Master Plan update might take. Zoning Administrator Deem stated the process would take about three months. Supervisor Mathis asked if the

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF NOVEMBER 9, 2020**

proposed project would be connected to the township's sanitary sewer system. Bryan Bridenstine confirmed that it would.

Supervisor Mathis closed the public hearing. The second reading and a vote on the adoption of the proposed zoning amendment will be conducted at the 11/23/20 meeting.

REPORTS:

Election Update Report

Clerk Krug reported that the November 3, 2020 General Election went very smoothly, with a total turnout of 11,626 voters, or 79.6%. This turnout is the highest in at least 30 years, probably longer. About 61% of the votes cast were by absentee ballot, the highest volume every processed in Fenton Township. Clerk Krug commended the dedication and hard work of the poll workers, who put in a very long day and performed exceptionally.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

PA 152 Compliance (Health Insurance Costs) - Selection of 2021 Compliance Method

The board reviewed the requirements of the *Publicly Funded Health Insurance Contribution Act* (PA 152 of 2011), which places limits on how much a public employer can pay toward employee healthcare.

There are three options for PA 152 compliance. The default option is that employers cannot pay more than the prescribed "hard caps" established by the State of Michigan. The hard caps for 2021 are \$7,043.89 for single, \$14,730.96 for 2-person and \$19,210.66 for family coverage. The second option is a flat 80/20 cost sharing arrangement where the employer pays no more than 80% of the total cost. The third option is to opt out of the requirement altogether. A 2/3 majority vote of the township board is required to choose the 80/20 option or to opt out.

For 2012 through 2020, the township board selected the 80/20 cost sharing option to comply with this statute. These approvals were each effective for one year and the board needs to review this decision annually.

The 80/20 option is again recommended for 2021. A flat percentage is the most equitable approach for all employees, and it will be more easily adaptable if the township changes plans in the future.

As was suggested last year, an HMO plan was also made available to employees this year as an alternative to our existing plan, although all employees have opted to stay with the existing plan.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF NOVEMBER 9, 2020**

Trustee Lorraine thanked Operations Manager Broecker for adding the alternate plan. Treasurer Tucker agrees with the 80/20 recommendation. It is the fairest option.

Motion to continue the optional 80/20 rules for 2021 to comply with the Publicly Funded Health Insurance Contribution Act, Public Act 152 of 2011.

Motion by: Tucker

Seconded: Lorraine

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

Nays: None

Motion carried.

Appointments to Fenton Township Zoning Board of Appeals

Supervisor Mathis noted that the Zoning Board of Appeals terms of Melissa Farney and Pete Matta will expire on 11/30/20. She stated that both individuals have done an excellent job on the ZBA and both have expressed a desire to be re-appointed. She recommends that both be re-appointed to 3-year terms.

Motion to re-appoint Melissa A. Farney to the Fenton Township Zoning Board of Appeals for the term ending November 30, 2023.

Motion by: Reid

Seconded: Tucker

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

Nays: None

Motion carried.

Motion to re-appoint Peter R. Matta to the Fenton Township Zoning Board of Appeals for the term ending November 30, 2023.

Motion by: Tucker

Seconded: Lorraine

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

Nays: None

Motion carried.

BOARD COMMENT:

Clerk Krug, noting that Mr. Lorraine will not be able to be the township board representative on the Zoning Board of Appeals when he becomes Supervisor, asked to be considered for that position. It was noted that committee appointments will be discussed at the next meeting.

On the occasion of her final meeting as Township Supervisor, Treasurer Tucker thanked Supervisor Mathis for her many years of service. The board won't be the same without her. Other board members echoed those feelings, congratulating Ms. Mathis on her long tenure on the township board and wishing her well in her retirement.

Supervisor Mathis thanked the board for their support and for the opportunity to serve with them. She will miss being part of the township government and has enjoyed her 30 years on the township board.

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

Gerald Hutto, 12012 Bowles Street

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF NOVEMBER 9, 2020**

Mr. Hutto expressed concern regarding vehicles speeding on Bowles Street. He was previously involved in a collision caused by a speeding car and asked if speed limits can be established and enforced. He also reported that motorists often get lost trying to find Brown Street and suggested additional signage to direct drivers to that street. Supervisor Mathis stated that the township will follow up on both issues.

ADJOURN: Meeting adjourned at 8:48 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 11/10/20