

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JUNE 18, 2002**

**LAKE FENTON HIGH SCHOOL
11425 TORREY ROAD, FENTON, MICHIGAN**

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

Present: Gabrielson, Mueller, Garfield, McKenna, Rowe, Office Manager Broecker
and Attorney Cooley

Absent: Krug, Mathis

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Supervisor Gabrielson noted that the resolution regarding the second public hearing on the Byram Lake Road Improvement Special Assessment District should be removed from the agenda. Motion to approve the 6/18/02 Fenton Township Board Meeting agenda as amended.

Motion by: McKenna

Seconded: Rowe

Ayes: All Present

Nays: None

Absent: Krug, Mathis

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 6/4/02 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices for payment as presented.

Motion by: McKenna

Seconded: Mueller

Ayes: Gabrielson, Mueller, Garfield, McKenna, Rowe

Nays: None

Absent: Krug, Mathis

Motion carried.

PUBLIC HEARINGS:

Curtwood Drive/Silver Ridge Road Improvement Special Assessment District/2nd Hearing

Supervisor Gabrielson reviewed the proposed special assessment district to pave Curtwood Drive/Silver Ridge Road. The assessment roll, including contingencies and administrative costs, totals 102,697.00. There was no public comment. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2002-18

WHEREAS, the township board of the Charter Township of Fenton, Genesee County, Michigan, after due and legal notice, has conducted a public hearing upon a

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proposed assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of defraying the costs of the road improvement project proposed to be initiated within the Curtwood Drive/Silver Ridge Road Improvement Special Assessment District as shown on the plans and specification for such project, and

WHEREAS, such public hearing was preceded by proper notice in a newspaper of general circulation in the Township, and by First Class Mail notice to each property owner of record within said district and upon said assessment roll, and

WHEREAS, all present at said public hearing were given the opportunity to be heard in the matter, and

WHEREAS, no written objections were received to said roll and levy, and

WHEREAS, a record of those present to protest, and of written protests submitted at or before the public hearing, if any, was made a part of the minutes of the hearing, and

WHEREAS, the Township Board has duly inspected the proposed assessment roll and considered all comments and proposed amendments thereto and has found the proposed assessment roll, as submitted, to be correct, just and reasonable;

THEREFORE BE IT RESOLVED, that the assessment roll submitted by the supervisor and assessing officer of the Township shall hereafter be designated as Fenton Township Special Assessment Roll No. 2002-5, and shall hereby be confirmed as the assessment roll for the Curtwood Drive/Silver Ridge Road Improvement Special Assessment District.

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Curtwood Drive/Silver Ridge Road Improvement Special Assessment Roll shall be divided into ten (10) equal annual installments of principal with the first installment to be due on or before December 1, 2002 and the following installments to be due on or before the first day of December of each year thereafter. All unpaid installments prior to their transfer to the tax roll as provided by Michigan Public Act 188 of 1954, as amended, shall bear interest payable annually on each installment due date at a rate equal to one percent (1%) above the average interest rate on bonds issued by the Township in anticipation of the collection of these special assessments.

BE IT FURTHER RESOLVED, that future due installments of an assessment against any parcel of land may be paid to the Fenton Township Treasurer at any time in full with interest accrued through the month in which the final installment is paid in accordance with Michigan Public Act 188 of 1954, as amended. If any installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected, in addition to interest as provided by this section, a penalty at the rate of 1% for each month, or fraction of a month, that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township tax roll, also in accordance with said Act 188.

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BE IT FURTHER RESOLVED, that the assessments made in said special assessment roll are hereby ordered and directed to be collected by the Township Treasurer, and the Township Clerk shall deliver said special assessment roll to said Treasurer with his warrant attached, commanding the Treasurer to collect such assessments in accordance with the direction of the Township Board and said P.A. 188 of 1954.

BE IT FURTHER 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. 2002-18 as presented

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Garfield, McKenna, Rowe

Nays: None

Absent: Krug, Mathis

Motion carried. Resolution declared adopted.

Woodhull Landing Road Improvement Special Assessment District/2nd Hearing

Supervisor Gabrielson reviewed the proposed special assessment district to pave Woodhull Landing. The assessment roll, including contingencies and administrative costs, totals 64,407.00.

Public comment:

Roberta Blades, 12536 Fenton Road

Ms. Blades asked about the turnout areas and the 50 foot extension mentioned in the project quote. Office Manager Broecker responded that the extra 50 feet was to extend the road to the end of the road easement. The existing road stops approximately 50 feet short of that point. Robert Morgan of Morgan Construction, stated that the locations of the turnout areas will be determined at the time of construction, with the goal of maintaining all existing trees.

There was no further comment. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2002-19

WHEREAS, the township board of the Charter Township of Fenton, Genesee County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of defraying the costs of the road improvement project proposed to be initiated within the Woodhull Landing Road Improvement Special Assessment District as shown on the plans and specification for such project, and

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WHEREAS, such public hearing was preceded by proper notice in a newspaper of general circulation in the Township, and by First Class Mail notice to each property owner of record within said district and upon said assessment roll, and

WHEREAS, all present at said public hearing were given the opportunity to be heard in the matter, and

WHEREAS, no written objections were received to said roll and levy, and

WHEREAS, a record of those present to protest, and of written protests submitted at or before the public hearing, if any, was made a part of the minutes of the hearing, and

WHEREAS, the Township Board has duly inspected the proposed assessment roll and considered all comments and proposed amendments thereto and has found the proposed assessment roll, as submitted, to be correct, just and reasonable;

THEREFORE BE IT RESOLVED, that the assessment roll submitted by the supervisor and assessing officer of the Township shall hereafter be designated as Fenton Township Special Assessment Roll No. 2002-6, and shall hereby be confirmed as the assessment roll for the Woodhull Landing Road Improvement Special Assessment District.

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Woodhull Landing Road Improvement Special Assessment Roll shall be divided into ten (10) equal annual installments of principal with the first installment to be due on or before December 1, 2002 and the following installments to be due on or before the first day of December of each year thereafter. All unpaid installments prior to their transfer to the tax roll as provided by Michigan Public Act 188 of 1954, as amended, shall bear interest payable annually on each installment due date at a rate equal to one percent (1%) above the average interest rate on bonds issued by the Township in anticipation of the collection of these special assessments.

BE IT FURTHER RESOLVED, that future due installments of an assessment against any parcel of land may be paid to the Fenton Township Treasurer at any time in full with interest accrued through the month in which the final installment is paid in accordance with Michigan Public Act 188 of 1954, as amended. If any installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected, in addition to interest as provided by this section, a penalty at the rate of 1% for each month, or fraction of a month, that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township tax roll, also in accordance with said Act 188.

BE IT FURTHER RESOLVED, that the assessments made in said special assessment roll are hereby ordered and directed to be collected by the Township Treasurer, and the Township Clerk shall deliver said special assessment roll to said Treasurer with his warrant attached, commanding the Treasurer to collect such

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assessments in accordance with the direction of the Township Board and said P.A. 188 of 1954.

BE IT FURTHER 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. 2002-19 as presented

Motion by: Mueller

Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, McKenna, Rowe

Nays: None

Absent: Krug, Mathis

Motion carried. Resolution declared adopted.

REPORTS:

Election Update

Office Manager Broecker reported that the Township is having some difficulty recruiting Election Inspectors for the upcoming elections in August and November. If any board member or person in the audience knows anyone who would be interested in being an election worker, please have him or her contact the Fenton Township Office.

Fenton Area Cable Television (FACT) Consortium

Trustee McKenna reported that the FACT Consortium is looking into retaining a consultant to negotiate the next cable television franchise.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS-OTHER:

Designation of Second Township Engineer

Supervisor Gabrielson reviewed the issue discussed at the last meeting regarding the designation of a second Township Engineer. Lawrence Engineering has provided a list of their hourly rates by position. Supervisor Gabrielson pointed out that his recommendation to designate Lawrence Engineering as a second Township Engineer is simply to provide some flexibility and efficiency. Because Lawrence Engineering is conducting the Sewer Inventory project, it makes sense to have them complete any engineering work for small repairs/upgrades that arise from the findings of that project. Clerk Mueller added that Rowe Incorporated is still the Township's primary engineering firm and will still handle most of our engineering work.

Bill Winiarski of Rowe Incorporated addressed the board on this issue. He clarified that, as the Township Engineer, Rowe is more than willing to take on any sized job – no job is

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too small. If timing is critical, they will do whatever is necessary to meet our requirements. As the Township Engineer, Rowe does not accept private work in Fenton Township, thereby avoiding any potential conflict of interest. He noted that Rowe is not opposed to the Township using other firms, as that is a common practice among municipalities. He did suggest, however, that the Township carefully consider the issues of conflict of interest and coordination of information when making such decisions.

Trustee McKenna noted that such a coordination of information is already in the works with regard to the Sanitary Sewer Impact Study. Much of the information gathered by Lawrence Engineering in the Sewer Inventory Project will also be useful in the impact study. This coordination will speed up the project and prevent costly duplication of effort.

Motion to designate Lawrence Engineering, PC as a second Township Engineer.

Motion by: Mueller
Seconded: Rowe
Ayes: Gabrielson, Mueller, McKenna, Rowe
Nays: Garfield
Absent: Krug, Mathis

Motion carried.

NEW BUSINESS:

Lot Split #02-001, Redistribution of Platted Lots, Parcel 06-23-529-002

Supervisor Gabrielson reviewed the proposed lot split. Trustee McKenna reported that the Planning Commission had recommended approval of the split. The redistribution is required to accommodate an existing structure, however both resulting lots will conform to current standards.

Motion to approve the division of parcel 06-23-529-002 as requested.

Motion by: Mueller
Seconded: Garfield
Ayes: Gabrielson, Mueller, Garfield, McKenna, Rowe
Nays: None
Absent: Krug, Mathis

Motion carried.

Fenton Midtown, LLC, Request for Special Assessment Districts

Sam Hodson, (representing Fenton Midtown LLC), stated that they are requesting the creation of two special assessment districts to finance the construction of the water system to be installed in their development and connected to the City of Linden's water system and to finance the sanitary sewer connection fees for all units in the development. They are asking that the assessments be spread over 20 years with interest only in the first two years. Larry Garon of Fenton Midtown, LLC stated that they believe this approach is a benefit to the Township since all connection fees are paid up front. Fenton Midtown would absorb all costs of the special assessment district and the bond issues. There would be no cost to the Township.

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Treasurer Garfield expressed concern that this would set a bad precedent. A similar request for a proposed development on Thompson Road in the early 1990's was turned down. Clerk Mueller stated that, while the financial risk to the Township may be minimal, this proposal doesn't seem to provide any real benefit to the Township.

Other concerns/questions raised by the Township included:

- ◆ Any bonds issued to finance special assessment districts would not be tax-exempt obligations, therefore the interest rate would likely be no better than typical bank commercial loan rates.
- ◆ Fenton Midtown is asking for a 20-year assessment, however mortgage issuers typically require all special assessments to be paid off when a property is sold.
- ◆ Connection fees are required at the time a building permit is issued. Financing the entire amount upfront doesn't seem to be an advantage to the developer.

The board agreed to allow the developer to discuss the issue with the Township Attorney before taking any further action.

Request for Proposal Documents – Solid Waste Collection Services

Office Manager Broecker briefly reviewed the documentation package to solicit bids for trash collection. Trustee McKenna noted that he had reviewed the information with Office Manager Broecker and is comfortable with the documents. Clerk Mueller suggested that the bid deadline be more clearly stated in the *Instructions to Proponents* document. Once that correction is made, the packet will be sent out to all firms that have expressed an interest in providing this service to the Township. Additionally, an ad will be placed in the local paper.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

David Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked for clarification and/or updates on the following issues:

1. The maintenance and raising of sewer manholes and why there are so many manholes on Ponemah Drive.
All manholes must be accessible to maintenance personnel for emergency response and routine maintenance. The large number of manholes on Ponemah Drive is due to the fact that a Township main and a County interceptor are both located along Ponemah Drive.
2. The status of lake activity ordinances for lakes that do not currently have one.
The Township Planner is in the process of reviewing current general ordinances. Meetings with lake representatives to discuss potential new or amended ordinances will be scheduled for later this year.
3. Correction of the drainage problem on Ponemah Drive.
That project is still scheduled to be completed this year.
4. Status of the remodeling of the former *Dockside Bar*.

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A permit was issued for interior remodeling. Because of the condition of the structure, the owner decided to do what amounts to a nearly total tear-down. A stop work order was placed and the owner must submit and receive approval for a complete site plan.

5. Status of the driveway from Ponemah Drive to the In Between Campground.
The campground has access to Ponemah Drive because a driveway permit was issued by the Genesee County Road Commission. Access for the bar will be researched further.
6. Status of determination regarding filling operations on campground property, (which has continued).
This issue was turned over to the DEQ several months ago. The Township has received no communication from the DEQ regarding this issue.

Brian Shaltz, Delta Land Surveying & Engineering, Inc.

Mr. Shaltz asked for clarification regarding the Township's decision to designate a second engineering firm. Supervisor Gabrielson responded that the decision was simply to provide added flexibility and efficiency to allow Lawrence Engineering to be utilized for engineering work related to sewer repairs/upgrades resulting from the findings of the Sanitary Sewer Inventory Project (which is being completed by Lawrence Engineering).

ADJOURN: Meeting adjourned at 9:05 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 6/19/02