

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF AUGUST 19, 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, Krug, McKenna, Rowe, Office Manager Broecker
and Attorney Cooley

Absent: Garfield, Mathis

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 8/19/02 Fenton Township Board Meeting agenda as presented.

Motion by: Krug

Seconded: McKenna

Ayes: All Present

Nays: None

Absent: Garfield, Mathis

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 8/5/02 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices for payment as presented.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Krug, McKenna, Rowe

Nays: None

Absent: Garfield, Mathis

Motion carried.

PUBLIC HEARINGS:

Woodhaven Drive Road Maintenance/2nd Hearing

Supervisor Gabrielson reviewed the proposed special assessment for maintenance of Woodhaven Drive, a private street near the intersection of Thompson and Linden Roads. There was no public comment. Clerk Mueller presented the following resolution:

RESOLUTION NO 2002-34

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 maintenance project proposed to be initiated within the Woodhaven Drive Road Maintenance Special Assessment District as shown on the plans and specification for such project;

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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, 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 the Fenton Township Special Assessment Roll No. 2002-8 and shall hereby be confirmed as the assessment roll for the Woodhaven Drive Road Maintenance Special Assessment District.

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Woodhaven Drive Road Maintenance Special Assessment Roll shall be assessed annually with the first payment due and payable on December 1, 2002 and the following payments to be due and payable on the first day of December of each year thereafter. The amount of each payment may be adjusted on an annual basis, relative to changes in the actual cost of road maintenance.

BE IT FURTHER RESOLVED, that 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 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, in accordance with Michigan P.A. 188 of 1954, as amended.

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. 2002-34 as presented.

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Motion by: Mueller
Seconded: Krug
Ayes: Gabrielson, Mueller, Krug, McKenna, Rowe
Nays: None
Absent: Garfield, Mathis
Motion carried. Resolution declared adopted.

Lake Ponemah Special Assessment/1st Hearing

Supervisor Gabrielson reviewed a proposed 5-year renewal of the weed control special assessment for Lake Ponemah.

Public Comment:

Veli Veliu, Owner of Lake Ponemah Mobile Home Park

Mr. Veliu asked if the previous treatments have been effective. Guy Dzido, President of the Lake Ponemah Association, responded that the treatments have been very effective in controlling non-native weeds. Nearly 75% of the property owners signed the petition for this renewal. Clerk Mueller added that every lake in Fenton Township that has the weed control program has renewed their special assessment, indicating that they are pleased with the treatments.

Diane Anderson, 14052 Landings Way

Ms. Anderson also stated that the treatment program has been effective. She was one of the circulators of the petition and found that property owners that were opposed to the project for the first 5-year program were now in favor of it. She supports the renewal of the special assessment.

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

RESOLUTION NO. 2002-35

WHEREAS, the Fenton Township Board has received petitions signed by more than 50% of the total land area of the proposed Special Assessment District described hereinafter, and accordingly, determined to proceed under the provisions of 1954 PA 188, as amended, to secure plans and estimates of cost together with a proposed Special Assessment District for assessing the costs of the proposed lake improvement project to schedule a public hearing upon the same for this date, and

WHEREAS, the plans, estimates of cost and proposed Special Assessment District were filed with the Township Clerk for public examination and notice of the hearing upon same was published and mailed in accordance with law and statute provided as shown by affidavits pertaining thereto on file with the Township Clerk, and

WHEREAS, in accordance with the aforesaid notices, a hearing was scheduled this 19th day of August 2002 commencing at 7:30 p.m. and all persons given the opportunity to be heard in the matter, and

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WHEREAS, as a result of the foregoing, the Township Board believes the project to be in the best interests of the Township and of the district proposed to be established therefor;

THEREFORE BE IT RESOLVED, that the Fenton Township Board does hereby determine that the petitions for the Lake Ponemah Improvement Special Assessment District were properly signed by the record owners of land whose land area constitutes more than 50% of the total land area upon the proposed improvement, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby approve the plans for the improvement of Lake Ponemah through the control and/or eradication of aquatic weeds as prepared and presented, and the estimated costs thereof of \$36,150.00 per year for five years, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby create, determine and define as a Special Assessment District to be known as the Lake Ponemah Improvement Special Assessment District, within which the costs of such improvements shall be assessed, the following described area within said township:

All properties with frontage on or legal access to Lake Ponemah

BE IT FURTHER RESOLVED, that on the basis of the foregoing, the Fenton Township Board does hereby direct the Supervisor and assessing officer to make a special assessment roll in which shall be entered and described all the parcels of land to be assessed with the names of the respective owners thereof if known, and a total amount to be assessed against each parcel of land in the Special Assessment District. When the same has been completed, the Supervisor and assessing officer shall affix thereto his/her certificate stating that it was made pursuant to this Resolution and that in making such assessment roll, he has, according to his best judgement, conformed in all respects to the directions contained in this Resolution and the applicable state statutes.

Motion to adopt Resolution No. 2002-35 as presented.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Krug, McKenna, Rowe

Nays: None

Absent: Garfield, Mathis

Motion carried. Resolution declared adopted.

Supervisor Gabrielson reported that, in anticipation of the previous resolution, a special assessment roll has been prepared, certified and submitted to the Township Clerk. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2002-36

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WHEREAS, the Supervisor and assessing officer of Fenton Township has, in accordance with the Resolution of the Fenton Township Board and the laws and statutes pertinent thereto, prepared a special assessment roll in the total amount of \$37,380.37 for 2002 and \$36,153.88 per year for the years 2003 through 2006 inclusive, covering all parcels of land within the Lake Ponemah Improvement Special Assessment District, and has affixed thereto his Certificate as required by said Resolution;

THEREFORE BE IT RESOLVED, that said special assessment roll shall be filed with the Township Clerk and shall be available for public examination during regular business hours of regular business days from the present date until the public hearing upon the same and shall further be examined at such public hearing, and

BE IT FURTHER RESOLVED, that the Fenton Township Board shall meet at 7:30 p.m. on September 3, 2002 at Lake Fenton High School located at 11425 Torrey Road, within the Township, to review such special assessment roll and hear any objections thereto, and

BE IT FURTHER RESOLVED, that the Township Clerk shall cause notice of such hearing and the filing of such assessment roll to be published twice in a newspaper of local circulation 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 Lake Ponemah 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.

Motion to adopt Resolution No. 2002-36 as presented.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Krug, McKenna, Rowe

Nays: None

Absent: Garfield, Mathis

Motion carried. Resolution declared adopted.

REPORTS:

Advanced Pest Management Report

Supervisor Gabrielson noted that an updated report had been received from Advanced Pest Management.

Township Board Vacancy Procedure

Trustee Krug distributed copies of information regarding the procedure for filling vacancies on the Township Board.

COMMUNICATIONS:

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Genesee County Water & Waste – Treatment Plant Open House

Supervisor Gabrielson reported that the planned open house for the District 3 treatment plant has been postponed. The new date will be communicated when it has been rescheduled.

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Rezoning #R02-002, Webasto Thermosystems; 06-26-100-003 & 006 R-4 to C-3/1st Reading

Supervisor Gabrielson reviewed the proposed rezoning ordinance. Webasto Thermosystems currently operates facilities in Brighton and Lapeer. Their intent is to combine the two operations into a single facility in Fenton Township. The company assembles auto sunroofs and heater components for buses. The proposed facility would include a small volume of product assembly, office space and warehousing. Trustee McKenna reported that members of the Planning Commission visited their Lapeer facility and found the operation to be a low intensity use. The Planning Commission recommended approval of the rezoning.

Public Comment:

Guy Dzido, 14142 Eastview Drive

Mr. Dzido asked if the rezoning would allow manufacturing if the applicant ultimately decided not to relocate to this property. Trustee McKenna responded that the property, if rezoned, could be used for any permitted use under the C-3 zoning district. C-3 allows only very low intensity manufacturing.

Diane Anderson, 14052 Landings Way

Ms. Anderson expressed concern regarding potential traffic problems on North Road resulting from employee and truck traffic for the proposed facility. Supervisor Gabrielson responded that any traffic would only be between the US-23 expressway and the proposed facility. Traffic studies could be utilized to determine if a traffic signal is necessary at a future date.

There was no further discussion. The second reading of the proposed rezoning ordinance will be conducted at the 9/3/02 meeting.

UNFINISHED BUSINESS-OTHER:

None

NEW BUSINESS:

Lot Split #ZBA02-037, redistribution of platted lots, parcels 06-11-527-004 & 005

Supervisor Gabrielson reviewed the proposed redistribution of platted lots. The applicant wishes to take 10 feet from a 40-foot lot and add it to a 20-foot lot, resulting in two 30-foot lots. This would also eliminate an encroachment of an existing deck. Trustee Krug reported that there was no neighborhood opposition to the request and the ZBA had granted the necessary variance to allow the division.

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Motion to approve the redistribution of platted lots, parcels 06-11-527-004 and 06-11-527-005, as requested.

Motion by: Mueller

Seconded: Krug

Ayes: Gabrielson, Mueller, Krug, McKenna, Rowe

Nays: None

Absent: Garfield, Mathis

Motion carried.

Resolution No. 2002-37, Bond Authorization-Road Improvement Special Assessments

Office Manager Broecker reported that Citizens Bank had submitted the low bid for the \$270,000.00 special assessment bond issue to finance the Curtwood/Silver Ridge, Woodhull Landing and Byram Lake Drive paving projects. The Citizens Bank bid was 5.675%, which means the special assessments will carry an interest rate of 6.675%. A bond authorization resolution, prepared by the Township's bond attorney, is required to complete the issuance of the bonds. Clerk Mueller presented the following resolution:

**RESOLUTION NO. 2002-37
Bond Resolution – Special Assessment Bonds, Series 2002**

WHEREAS, pursuant to Act No. 188, Public Acts of Michigan, 1954, as amended ("Act 188"), the necessary proceedings have been taken for the paving of Curtwood Drive and Silver Ridge Road (the "Curtwood Drive/Silver Ridge Road Road Improvements"), and to defray the cost thereof special assessments have been made on a special assessment roll against lands in the Curtwood Drive/Silver Ridge Road Road Improvements Special Assessment District; and

WHEREAS, the amount assessed against the lands in the Curtwood Drive/Silver Ridge Road Road Improvements Special Assessment District on the special assessment roll is \$102,697.00. The amount is payable in 10 equal annual installments, the first being due on February 28, 2003, and the subsequent installments being due on February 28 in each of the years 2004 through 2012; and

WHEREAS, pursuant to Act 188, the necessary proceedings have been taken for the paving of Byram Lake Drive (the "Byram Lake Drive Road Improvements"), and to defray the cost thereof special assessments have been made on a special assessment roll against lands in the Byram Lake Drive Road Improvements Special Assessment District; and

WHEREAS, the amount assessed against the lands in the Byram Lake Drive Road Improvements Special Assessment District on the special assessment roll is \$112,332.00. The amount is payable in 10 equal annual installments, the first being due on

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February 28, 2003, and the subsequent installments being due on February 28 in each of the years 2004 through 2012; and

WHEREAS, pursuant to Act 188, the necessary proceedings have been taken for the paving of Woodhull Landing (the "Woodhull Landing Road Improvements"), and to defray the cost thereof special assessments have been made on a special assessment roll against lands in the Woodhull Landing Road Improvements Special Assessment District; and

WHEREAS, the amount assessed against the lands in the Woodhull Landing Road Improvements Special Assessment District on the special assessment roll is \$64,407.00. The amount is payable in 10 equal annual installments, the first being due on February 28, 2003, and the subsequent installments being due on February 28 in each of the years 2004 through 2012; and

WHEREAS, the Curtwood Drive/Silver Ridge Road Road Improvements, the Byram Lake Drive Road Improvements and the Woodhull Landing Road Improvements are sometimes collectively referred to herein as the "Improvements;" and the Curtwood Drive/Silver Ridge Road Road Improvements Special Assessment District, the Byram Lake Drive Road Improvements Special Assessment District and the Woodhull Landing Road Improvements Special Assessment District are sometimes collectively referred to herein as the "Special Assessment Districts;" and

WHEREAS, the Township Board has determined that it is in the best interest of the Township to proceed with the acquisition and construction of the Improvements and the issuance of bonds to defray part of the cost of the Improvements.

THEREFORE, BE IT RESOLVED by the Township Board of the Township as follows:

AUTHORIZATION OF BONDS – PURPOSE. Bonds of the Township aggregating the principal sum of Two Hundred Seventy Thousand Dollars (\$270,000) shall be issued and sold in anticipation of the collection of an equal amount of special assessments against lands in the Special Assessment Districts. The proceeds of the bonds shall be used to defray part of the cost of acquiring and constructing the Improvements.

BOND DETAILS. The bonds shall be designated "Special Assessment Bonds, Series 2002"; shall be dated as of September 1, 2002; shall be numbered consecutively from 1 upwards; shall be fully registered; shall be in the denomination of \$5,000 each or any integral multiple thereof not exceeding the aggregate principal amount for each maturity at the option of the purchaser thereof; shall bear interest payable on the first days of May and November in each year commencing on May 1, 2003; and shall mature on May 1 in the years and in the principal amounts and bear interest as follows:

<u>YEAR</u>	<u>PRINCIPAL MATURITY</u>	<u>INTEREST RATE</u>
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2003	\$10,000	5.675%
2004	25,000	5.675
2005	25,000	5.675
2006	25,000	5.675
2007	25,000	5.675
2008	30,000	5.675
2009	30,000	5.675
2010	30,000	5.675
2011	35,000	5.675
2012	35,000	5.675

PAYMENT OF PRINCIPAL AND INTEREST. The principal of and interest on the bonds shall be payable in lawful money of the United States. Principal shall be payable upon presentation and surrender of the bonds to the bond registrar and paying agent as they severally mature. Interest shall be paid to the registered owner of each bond as shown on the registration books at the close of business on the 15th day of the calendar month preceding the month in which the interest payment is due. Interest shall be paid when due by check or draft drawn upon and mailed by the bond registrar and paying agent to the registered owner at the registered address.

BOOK-ENTRY SYSTEM. Initially, if requested by the original purchaser of the bonds, one fully-registered bond for each maturity, in the aggregate amount of such maturity, shall be issued in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC") for the benefit of other parties (the "Participants") in the book-entry-only transfer system of DTC. In the event the Township determines that it is in the best interest of the Township not to continue the book-entry system of transfer or that the interests of the holders of the bonds might be adversely affected if the book-entry system of transfer is continued, the Township may notify DTC and the bond registrar and paying agent, whereupon DTC will notify the Participants of the availability through DTC of bond certificates. In such event, the bond registrar and paying agent shall deliver, transfer and exchange bond certificates as requested by DTC and any Participant or "beneficial owner" in appropriate amounts in accordance with this Resolution. DTC may determine to discontinue providing its services with respect to the bonds at any time by giving notice to the Township and the bond registrar and paying agent and discharging its responsibilities with respect thereto under applicable law or the Township may determine that DTC is incapable of discharging its duties and may so advise DTC. In either such event, the Township shall use reasonable efforts to locate another securities depository. Under such circumstances (if there is no successor securities depository), the Township and the bond registrar and paying agent shall be obligated to deliver bond certificates in accordance with the procedures established by this Resolution. In the event bond certificates are issued, the provisions of this Resolution shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of and interest on such certificates. Whenever DTC requests the Township and the bond registrar and paying agent to do so, the Township and the bond registrar and paying agent shall cooperate with DTC in taking appropriate action after reasonable notice to make available one or more separate certificates evidencing the bonds to any

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Participant having bonds credited to its DTC account or to arrange for another securities depository to maintain custody of certificates evidencing the bonds.

Notwithstanding any other provision of this Resolution to the contrary, so long as any bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of, interest on and redemption premium, if any, on such bonds and all notices with respect to the bonds shall be made and given, respectively, to DTC. The Supervisor, the Clerk or the Treasurer of the Township is authorized to sign the Blanket Issuer Letter of Representations on behalf of the Township, in such form as such officer signing the Blanket Issuer Letter of Representations deems necessary or appropriate in order to accomplish the issuance of the bonds in accordance with law and this Resolution.

PRIOR REDEMPTION. Bonds maturing prior to May 1, 2010, shall not be subject to redemption prior to maturity. Bonds maturing on and after May 1, 2010, shall be subject to redemption prior to maturity upon the terms and conditions set forth in the form of bond contained in Section 9 hereof.

BOND REGISTRAR AND PAYING AGENT. The Supervisor or the Treasurer shall select a bond registrar and paying agent for the bonds and is authorized to enter into an agreement with the bond registrar and paying agent. The Supervisor or the Treasurer may from time to time as required designate a similarly qualified successor bond registrar and paying agent.

EXECUTION, AUTHENTICATION AND DELIVERY OF BONDS. The bonds shall be executed in the name of the Township by the facsimile signatures of the Supervisor and the Clerk and authenticated by the manual signature of an authorized representative of the bond registrar and paying agent, and the seal of the Township (or a facsimile thereof) shall be impressed or imprinted on the bonds. After the bonds have been executed and authenticated for delivery to the original purchaser thereof, they shall be delivered by the Treasurer or the Supervisor of the Township to the purchaser upon receipt of the purchase price. Additional bonds bearing the facsimile signatures of the Supervisor and the Clerk and upon which the seal of the Township (or a facsimile thereof) is impressed or imprinted may be delivered to the bond registrar and paying agent for authentication and delivery in connection with the exchange or transfer of bonds. The bond registrar and paying agent shall indicate on each bond the date of its authentication.

EXCHANGE AND TRANSFER OF BONDS. Any bond upon surrender thereof to the bond registrar and paying agent with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or its duly authorized attorney, at the option of the registered owner thereof, may be exchanged for bonds of any other authorized denominations of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered bond.

Each bond shall be transferable only upon the books of the Township, which shall be kept for that purpose by the bond registrar and paying agent, upon surrender of such bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney.

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Upon the exchange or transfer of any bond, the bond registrar and paying agent, on behalf of the Township, shall cancel the surrendered bond and shall authenticate and deliver to the transferee a new bond or bonds of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered bond. If, at the time the bond registrar and paying agent authenticates and delivers a new bond pursuant to this Section, payment of interest on the bonds is in default, the bond registrar and paying agent shall endorse upon the new bond the following: "Payment of interest on this bond is in default. The last date to which interest has been paid is _____, ____."

The Township and the bond registrar and paying agent may deem and treat the person in whose name any bond shall be registered upon the books of the Township as the absolute owner of such bond, whether such bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such bond and for all other purposes, and all payments made to any such registered owner, or upon his order, in accordance with the provisions of Section 3 of this Resolution shall be valid and effectual to satisfy and discharge the liability upon such bond to the extent of the sum or sums so paid, and neither the Township nor the bond registrar and paying agent shall be affected by any notice to the contrary. The Township agrees to indemnify and save the bond registrar and paying agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.

For every exchange or transfer of bonds, the Township or the bond registrar and paying agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

The bond registrar and paying agent shall not be required to transfer or exchange bonds or portions of bonds which have been selected for redemption.

FORM OF BONDS. The bonds shall be in substantially the following form:

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UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF GENESEE

CHARTER TOWNSHIP OF FENTON

SPECIAL ASSESSMENT BOND, SERIES 2002

INTEREST RATE MATURITY DATE DATE OF ORIGINAL ISSUE CUSIP

September 1, 2002

Registered Owner:

Principal Amount:

The Charter Township of Fenton, County of Genesee, State of Michigan (the "Township"), acknowledges itself indebted to and for value received hereby promises to pay to the Registered Owner identified above, or registered assigns, the Principal Amount set forth above on the Maturity Date specified above, unless redeemed prior thereto as hereinafter provided, upon presentation and surrender of this bond at _____, the bond registrar and paying agent, or at such successor bond registrar and paying agent as may be designated pursuant to the Resolution (as hereafter defined), and to pay to the Registered Owner, as shown on the registration books as of the close of business on the 15th day of the calendar month preceding the month in which an interest payment is due, by check or draft drawn upon and mailed by the bond registrar and paying agent by first class mail postage prepaid to the Registered Owner at the registered address, interest on such Principal Amount until the Township's obligation with respect to the payment of such Principal Amount is discharged, at the rate per annum specified above. Interest is payable on the first days of May and November in each year, commencing on May 1, 2003. Principal and interest are payable in lawful money of the United States of America.

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This bond is one of a series of bonds aggregating the principal sum of Two Hundred Seventy Thousand Dollars (\$270,000) issued by the Township under and pursuant to and in full conformity with the Constitution and Statutes of Michigan (especially Act No. 188, Public Acts of 1954, as amended) and a bond authorizing resolution adopted by the Township Board of the Township (the "Resolution") for the purpose of defraying part of the cost of paving Curtwood Drive and Silver Ridge Road, paving Byram Lake Drive and paving Woodhull Landing. The bonds are issued in anticipation of the collection of an equal amount of special assessments assessed against lands in the Curtwood Drive and Silver Ridge Road Road Improvements Special Assessment District, the Byram Lake Drive Road Improvements Special Assessment District and the Woodhull Landing Road Improvements Special Assessment District, in each case as assessed on a correspondingly designated special assessment roll.

The full faith and credit of the Township have been pledged for the payment of the principal of and interest on this bond as the same become due. If receipts from the special assessments in anticipation of which the bonds are issued shall not be sufficient to pay the principal of and interest on the bonds, when due, moneys sufficient to pay the deficiency shall be advanced from the general funds of the Township as a first budget obligation. The Township's ability to raise such moneys is subject to applicable constitutional, charter and statutory limitations on the taxing power of the Township.

This bond is transferable, as provided in the Resolution, only upon the books of the Township kept for that purpose by the bond registrar and paying agent, upon the surrender of this bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the Registered Owner or his attorney duly authorized in writing. Upon the exchange or transfer of this bond a new bond or bonds of any authorized denomination, in the same aggregate principal amount and of the same interest rate and maturity, shall be authenticated and delivered to the transferee in exchange therefor as provided in the Resolution, and upon payment of the charges, if any, therein provided. Bonds so authenticated and delivered shall be in the denomination of \$5,000 or any integral multiple thereof not exceeding the aggregate principal amount for each maturity.

The bond registrar and paying agent shall not be required to transfer or exchange bonds or portions of bonds which have been selected for redemption.

Bonds maturing prior to May 1, 2010, are not subject to redemption prior to maturity. Bonds maturing on and after May 1, 2010, are subject to redemption prior to maturity at the option of the Township, in such order as shall be determined by the Township, on any one or more interest payment dates on and after May 1, 2009. Bonds of a denomination greater than \$5,000 may be partially redeemed in the amount of \$5,000 or any integral multiple thereof. If less than all of the bonds maturing in any year are to be redeemed, the bonds or portions of bonds to be redeemed shall be selected by lot. The redemption price shall be the par value of the bond or portion of the bond called to be redeemed plus accrued interest to the date fixed for redemption.

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Not less than thirty days' notice of redemption shall be given by first-class mail to the registered owners of bonds called to be redeemed at their registered addresses. Failure to receive notice of redemption shall not affect the proceedings for redemption. Bonds or portions of bonds called for redemption shall not bear interest on and after the date fixed for redemption, provided funds are on hand with the bond registrar and paying agent to redeem the same.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the bonds of this series, existed, have happened and have been performed in due time, form and manner as required by law, and that the total indebtedness of the Township, including the series of bonds of which this bond is one, does not exceed any constitutional, charter or statutory limitation.

IN WITNESS WHEREOF, the Charter Township of Fenton, County of Genesee, Michigan, by its Township Board, has caused this bond to be executed in its name by facsimile signatures of its Supervisor and Township Clerk and its seal (or a facsimile thereof) to be impressed or imprinted hereon. This bond shall not be valid unless the Certificate of Authentication has been manually executed by an authorized representative of the bond registrar and paying agent.

CHARTER TOWNSHIP OF FENTON

By: _____

Its: Supervisor

{SEAL}

And: _____

Its: Clerk

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within mentioned Resolution.

Bond Registrar and Paying Agent

By: _____
Authorized Representative

AUTHENTICATION DATE:

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ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ (please print or type name, address and taxpayer identification number of transferee) the within bond and all rights thereunder and hereby irrevocably constitutes and _____ appoints _____ attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

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SECURITY. The principal of and interest on the bonds shall be payable primarily out of the collections of the special assessments in anticipation of which they are issued but the full faith and credit of the Township are pledged hereby to the payment of such principal and interest. If the receipts from the special assessments in anticipation of which the bonds are issued shall not be sufficient to pay such principal and interest as the same shall become due, then an amount sufficient to pay the deficiency shall be advanced from the general funds of the Township as a first budget obligation. The Township's ability to raise such funds is subject to applicable constitutional, charter and statutory limitations on the taxing power of the Township.

PRINCIPAL AND INTEREST FUND. There shall be established for the bonds a principal and interest fund, which shall be kept in a separate bank account. From the proceeds of the sale of the bonds there shall be set aside in the principal and interest fund any premium and accrued interest received from the purchaser of the bonds at the time of delivery of the bonds. All collections (including principal, interest and penalties) on the special assessments in anticipation of the collection of which the bonds are issued shall be placed in the principal and interest fund, except as set forth in the next section, and so long as the principal or interest on the bonds shall remain unpaid, no moneys shall be withdrawn from such principal and interest fund except to pay such principal and interest.

CONSTRUCTION FUND. The remainder of the proceeds of the sale of the bonds, the special assessment in the amount of \$4,884.00 for the Byram Lake Drive Road Improvements Special Assessment District that was paid in full before the date hereof, and the first \$4,552.00 of special assessments collected from the installments due February 28, 2003, shall be set aside in a construction fund and used to acquire and construct the Improvements, including any engineering, legal and other expenses incidental thereto. Any unexpended proceeds of the sale of the bonds remaining in the construction fund after completion of the acquisition and construction of the Improvements shall be deposited in the principal and interest fund.

ESTIMATES OF PERIOD OF USEFULNESS AND COST. The estimated period of usefulness of the Improvements is hereby determined to be not less than ten (10) years and upwards, and the plans for and estimated cost of the Improvements in the approximate amount of \$279,436.00 are hereby approved and adopted.

DEFEASANCE. In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay, at maturity or irrevocable call for earlier optional redemption, the principal of, redemption premium, if any, and interest on the bonds or any portion of the bonds, shall have been deposited in trust, this Resolution shall be defeased with respect to such bonds and the owners of such bonds shall have no further rights under this Resolution except to receive payment of the principal of, redemption premium, if any, and interest on the bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange bonds as provided herein.

REPLACEMENT OF BONDS. Upon receipt by the Treasurer of proof of ownership of an unmatured bond, of satisfactory evidence that the bond has been lost, apparently destroyed or wrongfully taken and of security or indemnity that complies with applicable law and is satisfactory to the Treasurer, the Treasurer may authorize the bond registrar

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and paying agent to deliver a new executed bond to replace the bond lost, apparently destroyed or wrongfully taken in compliance with applicable law. In the event an outstanding matured bond is lost, apparently destroyed or wrongfully taken, the Treasurer may authorize the bond registrar and paying agent to pay the bond without presentation upon the receipt of the same documentation required for the delivery of a replacement bond. The bond registrar and paying agent, for each new bond delivered or paid without presentation as provided above, shall require the payment of expenses, including counsel fees, which may be incurred by the bond registrar and paying agent and the Township in the premises. Any bond delivered pursuant the provisions of this Section in lieu of any bond lost, apparently destroyed or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the bond in substitution for which such bond was delivered.

APPROVAL OF DEPARTMENT OF TREASURY. The issuance and sale of the bonds shall be subject to permission being granted therefor by the Michigan Department of Treasury pursuant to Act No. 34, Public Acts of Michigan, 2001, as amended, and, if necessary, the Supervisor is hereby authorized and directed to make application to the Department of Treasury for permission to issue and sell the bonds as provided by the terms of this Resolution and by Act 34.

SALE, ISSUANCE, DELIVERY, TRANSFER AND EXCHANGE OF BONDS. The bonds shall be sold and delivered to Citizens Bank in its own name or other name designated by it upon receipt of the purchase price for the bonds in an amount equal to \$270,000. The Supervisor, the Clerk and the Treasurer are authorized to set the time and date for the delivery of the bonds and to do all things necessary to effectuate the sale, issuance, delivery, transfer and exchange of bonds in accordance with this Resolution.

CONFLICTING RESOLUTIONS. All resolutions and parts of resolutions, insofar as they are in conflict herewith, are rescinded.

Motion to adopt Resolution No. 2002-37 as presented.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Krug, McKenna, Rowe

Nays: None

Absent: Garfield, Mathis

Motion carried. Resolution declared adopted.

Schedule Tax Abatement Public Hearing – Contour Fabricators, Inc.

Office Manager Broecker reported that the Township Board, in January of this year, established the Contour Fabricators property as an Industrial Development District. Contour Fabricators has now submitted an application for an Industrial Facilities Exemption Certificate, the second step in the tax abatement process. A public hearing is required before acting on said application.

Motion to schedule a public hearing on the application of Contour Fabricators for an Industrial Facilities Exemption Certificate for the September 3, 2002 meeting.

Motion by: McKenna

Seconded: Mueller

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

Motion carried.

Proposed Employment Agreement – Office Manager

Supervisor Gabrielson reported that the Personnel Committee had reviewed a proposed employment agreement for Office Manager Thomas Broecker. The 4-year agreement would take effect at the end of the current year and includes annual salary increases of 3.5% per year. Changes to the proposed contract include a requirement for an annual performance review and increased life insurance coverage.

Motion to approve a 4-year employment agreement for Office Manager Thomas Broecker as presented.

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

Motion carried.

Hiring of Co-op Student for 2002/03 Academic Year

Supervisor Gabrielson reviewed a memo from Office Manager Broecker recommending that the Township Board once again participate in the co-op student program for the 2002/2003 academic year. Morgan Brown, a senior at Fenton High School, worked at the township office during the second half of the spring 2002 semester and has filled in for vacations throughout this summer. She has expressed an interest in working her entire senior year as a co-op student. During these past few months Ms. Brown has done an excellent job on special assignments and filling in at the receptionist desk and in the Building Department. If hired, Ms. Brown would work 15-20 hours per week. As before, duties would include general research and filing projects, serving as back-up for the receptionist positions and working on special assignments. The total budget impact for this position (salary & FICA tax) would be approximately \$3,000.00 for each semester.

Motion to approve the hiring of Morgan Brown as a part-time co-op student employee for the 2002/2003 academic year.

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

Motion carried.

Township Board Resignation

Supervisor Gabrielson reviewed a letter of resignation from Trustee Rowe. Mr. Rowe has accepted a position with his employer that will require him to move to Florida. In his

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letter, Mr. Rowe stated that is has been a privilege to work with the Township Board and the ZBA, and thanked the Township Board for the opportunity to serve the community. Supervisor Gabrielson commended Trustee Rowe for his dedication to the elected and appointed positions he has held and thanked him for his service to Fenton Township.

Motion to accept, with regrets, the resignation of Trustee Donald Rowe, effective September 1, 2002.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Krug, McKenna, Rowe

Nays: None

Absent: Garfield, Mathis

Motion carried.

Letter of Resignation – Ordinance Enforcement Officer

Supervisor Gabrielson reviewed a letter of resignation from Ordinance Enforcement Office Adair Rowe. Ms. Rowe will be moving to Florida within the next few months. In her letter, Ms. Rowe stated that she feels privileged to have worked with the Township Board and staff. She also thanked the Township Board for the opportunity to work for Fenton Township. Supervisor Gabrielson commended Ms. Rowe for her job performance, especially the past two years as Ordinance Enforcement Officer.

Motion to accept, with regrets, the resignation of Ordinance Enforcement Officer Adair Rowe, effective October 1, 2002.

Motion by: Rowe

Seconded: Mueller

Ayes: Gabrielson, Mueller, Krug, McKenna, Rowe

Nays: None

Absent: Garfield, Mathis

Motion carried.

Preliminary Budget Requests - 2003

Supervisor Gabrielson reminded committee members to submit any proposed budgets by August 31, 2002.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

State Representative Patricia Lockwood briefly addressed the board, thanking them for their input on the revenue sharing decision. The override of Governor Engler’s veto restored more than \$100,000 of revenue sharing for Fenton Township and over \$10 million county-wide.

The following individuals spoke regarding concerns about activities around the north end of Lake Fenton commonly referred to as “Pig Beach”:

Thomas Lengauer, 2202 Bowles Street

Lawrence Johnson, 2206 Bowles Street

Doug Patton, 2259 North Long Lake Road

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Their concerns revolve around the large number of boats that anchor in this part of the lake and conduct daylong parties. Their specific concerns include:

- ❑ Trespassing
- ❑ Alcohol abuse
- ❑ Underage drinking
- ❑ Littering
- ❑ Use of profanity
- ❑ Urinating in the lake
- ❑ Lewd behavior

They are asking the Township Board to take action to correct these problems. Supervisor Gabrielson reminded them that the Township has no authority on the water. Trespassing violations can be enforced if the police are called. Supervisor Gabrielson stated that he will continue to work with the Genesee County Sheriff Department to find a way to correct the problems, but encouraged the Lake Fenton property owners take the initiative to discourage this type of behavior among their neighbors. Trustee Krug requested that the cost of providing additional patrols on Lake Fenton be researched and brought back to the board for further discussion. That information will be requested from the Genesee County Sheriff Department.

Marie McClimans, 5443 Dooley Drive

Ms. McClimans requested that the Township Board consider installing a sidewalk along Linden Road from the Linden City limits to KC's Learning Center. The sidewalk could connect to the one recently completed inside the City of Linden and allow children at the day care center to walk to Linden without traveling on Linden Road. The board suggested that she bring a formal proposal to the next meeting.

Ray Dillard, 1331 Craneridge Drive

Mr. Dillard stated that he grew up around Lake Fenton and takes offense at the north end of the lake being called "Pig Beach". He also stated that he does not believe the property owners on Lake Fenton should be entitled to levels of law enforcement services higher than the rest of the Township.

David Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked if the Marine Patrol officers can be given more authority (i.e. issuing tickets). Trustee Rowe responded that only certified police officers can issue tickets. Supervisor Gabrielson added that the budget does not allow the use of certified officers in Marine Patrol. Mr. Hawcroft also asked about the planned drainage repairs on Ponemah Drive. Supervisor Gabrielson responded that the project is being engineered and should be completed this fall. Mr. Hawcroft asked about the status of the Fenton Township Civic Community Center renovation project. Clerk Mueller stated that the project is on schedule for a November opening. Mr. Hawcroft asked for an update on the issue of Ponemah Drive access for the bar/restaurant and campground. Supervisor Gabrielson responded that he is still investigating options.

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ADJOURN: Meeting adjourned at 9:20 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 8/21/02