

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF SEPTEMBER 2, 2003**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Treasurer Garfield called the meeting to order at 7:30 p.m.

Present: Garfield, Krug, Mathis, Shaltz, Deputy Clerk Broecker and Attorney
Cooley

Absent: None

PLEDGE OF ALLEGIANCE:

Treasurer Garfield led the pledge of allegiance to the flag.

APPOINTMENT OF CHAIRPERSON PRO-TEM:

Motion to appoint Treasurer Garfield as Chairperson Pro-Tem.

Motion by: Krug

Seconded: Mathis

Ayes: All

Nays: None

Motion carried.

Chairperson Garfield introduced Trustee Bradley Shaltz. Mr. Shaltz was appointed to the Township Board by the Genesee County Election Commission to serve until after the October 14th special election.

APPROVAL OF AGENDA:

Motion to approve the 9/2/03 Fenton Township Board Meeting agenda as presented.

Motion by: Krug

Seconded: Mathis

Ayes: All

Nays: None

MEETING MINUTES:

The minutes of the 8/18/03 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: Mathis

Seconded: Krug

Ayes: Garfield, Krug, Mathis, Shaltz

Nays: None

Motion carried.

PUBLIC HEARINGS:

Loon Lake Improvement Special Assessment District/2nd Hearing

Chairperson Garfield reviewed the proposed 5-year renewal of a weed control special assessment district for Loon Lake. There was no public comment. Deputy Clerk Broecker presented the following resolution:

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RESOLUTION NO. 2003-18

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 proposed assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of defraying the costs of the weed eradication/control project proposed to be initiated within the Loon Lake 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 was made a part of the minutes of the hearing;

AND WHEREAS, verbal comments received and subsequent information obtained indicated the reasonableness of the following amendments to said assessment roll:

Due to a projected increase in MDEQ permit fees, the total annual cost is revised to \$15,661.52 for the year 2003, and \$14,996.30 for the years 2004, 2005, 2006 & 2007. Parcels 06-15-100-023 & 06-15-100-024 were added to the assessment roll. The assessment per share is revised to \$139.84 for the year 2003, and \$133.90 for the years 2004, 2005, 2006 & 2007.

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 amended, 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. 2003-2 and shall hereby be confirmed as the assessment roll for the Loon Lake Improvement Special Assessment District.

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2003-2 shall be divided into five annual installments with the first installment due on or before December 1, 2003 and the following installments to be due on or before the first day of December of each year thereafter indicated.

BE IT FURTHER RESOLVED, that future due installments of an assessment against any parcel of land may be paid to the Township Treasurer at any time in full. If

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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. 2003-18 as presented.

Motion by: Mathis

Seconded: Krug

Ayes: Garfield, Krug, Mathis, Shaltz

Nays: None

Motion carried. Resolution declared adopted.

Hidden Ridge II Street Lighting Special Assessment District/1st Hearing

Chairperson Garfield reviewed a proposed street lighting special assessment for the second phase of the Hidden Ridge condominium development. There was no public comment. Deputy Clerk Broecker presented the following resolution:

RESOLUTION NO. 2003-22

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 improvement project proposed to be initiated within the Hidden Ridge II Street Lighting 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;

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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. 2003-3 and shall hereby be confirmed as the assessment roll for the Hidden Ridge II Street Lighting Special Assessment District.

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2003-3 shall be paid in annual installments with the first installment to be due and payable on December 1, 2003 and the following installments 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 street light operation and maintenance.

BE IT FURTHER RESOLVED, 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, in accordance with Michigan Public Act 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. 2003-22 as presented.

Motion by: Krug

Seconded: Mathis

Ayes: Garfield, Krug, Mathis, Shaltz

Nays: None

Motion carried. Resolution declared adopted.

PUBLIC COMMENT - AGENDA ITEMS:

Chairperson Garfield stated that the board was trying out a new agenda format for this meeting. Public comment on agenda items will be accepted prior to the board acting on those items.

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Dave Franz, 3435 Breezepointe

Mr. Franz stated that he preferred to have the opportunity to make comment during an agenda item rather than before.

REPORTS:

Genesee County WWS Capacity Utilization Report

The board briefly reviewed the quarterly sanitary sewer capacity utilization report from Genesee County.

Public Safety Committee

Trustee Mathis reported that Fire Chief Moulton had submitted a prioritized list of needed equipment for the Fire Department. Included on the list is a civil defense siren at Fire Station #2. She also reported that:

- Two older Township-owned automobiles will be sold by sealed bid in the near future. Proceeds will go toward the next fire truck purchase.
- MIOSHA will be reviewing the Fire Department's operations for safety compliance.
- The door on the ambulance bay at Fire Station #2 will be enlarged to accommodate a new ambulance. Regional EMS will pay the entire cost for this improvement.
- All of Genesee County (except for the cities of Flint and Fenton) will change over to the new 800mhz radio equipment in 2005. The Township's share of the cost is approximately \$59,000. The Township will expense 50% of that cost in 2004 and the remainder in 2005 when the equipment is delivered.

Trustee Mathis also noted that Fenton Township needs a new representative on the 911 consortium. She asked Trustee Krug if he would be willing to serve in that capacity temporarily. Trustee Krug agreed.

COMMUNICATIONS:

Genesee County Road Commission Funding Seminar

The board reviewed a letter from the Genesee County Road Commission. They will be holding a 2-hour session designed to assist local government officials understand the road funding process. The class will be held on Thursday 9/18/03 from 10:00 a.m. to noon at the Genesee County Administration Building.

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Rezoning #R03-004, Multi Building Company, Inc., 06-31-200-001 & 06-30-400-036; AG & R-4 to PUD/1st Reading

Chairperson Garfield reported that the applicant has requested postponement of the second reading of the proposed rezoning ordinance.

UNFINISHED BUSINESS-OTHER:

None

NEW BUSINESS:

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Appointment of Temporary Township Superintendent

Chairperson Garfield reported that current Michigan law requires that the Supervisor of a charter township prepare and submit a proposed budget for the next fiscal year to the Township Board no less than 120 days from the beginning of that fiscal year. Because the office of Supervisor is currently vacant, the Michigan Townships Association attorney was consulted to determine how Fenton Township could comply with the legal requirements of the budget process. Based on the information and advice received both from the MTA attorney and Mr. Cooley, the simplest course of action is to temporarily appoint Office Manager Thomas Broecker to the position of Township Superintendent. The Township Board may delegate to a Superintendent certain responsibilities that fall under the statutory duties of a Township Supervisor. This appointment will be for the sole purpose of preparing and administering the Township's annual budget, and the appointment will automatically terminate when a Township Supervisor is elected.

Motion to appoint Thomas Broecker to the position of Township Superintendent, for the sole purpose of preparing and administering the annual budget under policies formulated by the Township Board, with said appointment automatically expiring upon the appointment or election of a Township Supervisor.

Motion by: Mathis
Seconded: Krug
Ayes: Garfield, Krug, Mathis, Shaltz
Nays: None

Motion carried.

Scheduling of 2004 Budget Public Hearing

Office Manager Broecker reported that a draft version of the 2004 Fenton Township Budget had been prepared and distributed. He requested that the board formally adopt a motion to schedule the annual budget hearing for the 9/15/03 meeting.

Motion to schedule a public hearing for the 2004 Fenton Township Budget to be held at the 9/15/03 regular township board meeting.

Motion by: Mathis
Seconded: Garfield
Ayes: Garfield, Krug, Mathis, Shaltz
Nays: None

Motion carried.

Resolution No. 2003-23, Public Hearing on 2003 Fire Protection Assessment Roll

Office Manager Broecker reported that the second board meeting of September has been designated, by board resolution, as the public hearing date for the Fire Protection Special Assessment roll. The following resolution was presented:

RESOLUTION NO. 2003-23

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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 \$471,770.00, covering all parcels of land within the Fenton Township Fire Protection 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 15, 2003 at the Fenton Township Civic Community Center located at 12060 Mantawauka Drive, 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 in a newspaper of local circulation not less than five (5) days prior to the hearing, in accordance with the law and statute provided.

Motion to adopt Resolution No. 2003-23 as presented.

Motion by: Krug
Seconded: Shaltz
Ayes: Garfield, Krug, Mathis, Shaltz
Nays: None

Motion carried. Resolution declared adopted.

Scheduling of CDBG Needs Hearing – 9/15/03

Office Manager Broecker reported that Fenton Township will be receiving CDBG funds in 2004. A public needs hearing is necessary to determine what projects will be submitted for consideration.

Motion to schedule a Community Development Block Grant Needs Hearing for September 15, 2003.

Motion by: Krug
Seconded: Mathis
Ayes: Garfield, Krug, Mathis, Shaltz
Nays: None

Motion carried.

Authorization of Condemnation Procedures for Sewer Easement

Attorney Cooley reviewed a situation where the Township is attempting to acquire a utility easement near the Coachlight Pines condominium development. The owner of an adjacent property was issued a building permit and sewer connection permit under the

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assumption that the utility easement in Coachlight Pines extended to the outer boundaries of the development, (normally a standard requirement). When it was discovered that the necessary easement did not exist, negotiations began with the Coachlight Pines Condominium Association to acquire the easement. To date, an agreement has not been reached, partly due to disagreements between the association and the adjacent property owner. He is asking the board to authorize condemnation proceedings, if necessary, to acquire the needed easement.

Motion to authorize the Township Attorney to initiate condemnation proceedings, if necessary, to obtain a needed sanitary sewer easement in Section 32 of Fenton Township, as presented.

Motion by: Krug
Seconded: Garfield
Ayes: Garfield, Krug, Mathis, Shaltz
Nays: None

Motion carried.

Appointment of Interim Zoning Administrator

Chairperson Garfield reported that, since former Supervisor Gabrielson also served as the Township's Zoning Administrator, the Township Board needs to appoint an interim Zoning Administrator until a long-term direction is determined. Two current members of the Township office staff have agreed to fill this position on a temporary basis. Penelope Sharich and Valerie McDonald work in the Township's Planning & Zoning Department, are two of the Township's most experienced employees, and are both very knowledgeable in the requirements of the Zoning Ordinance. The appointments will be temporary, expiring on November 30, 2003 or when the Township Board appoints a permanent Zoning Administrator, whichever occurs first. The interim Zoning Administrator will handle only routine items such as the issuance of zoning permits. Responsibilities such as Special Use Permits and minor site plan revisions will be referred to the Planning Commission during this interim period. There will be no additional compensation paid to either employee for these temporary duties.

Motion to appoint Penelope Sharich to the interim position of Zoning Administrator and Valerie McDonald to the interim position of Deputy Zoning Administrator for the purpose of issuing zoning permits and performing routine duties of the Zoning Administrator as set forth in the Fenton Township Zoning Ordinance, with said appointments expiring on November 30, 2003 or upon the appointment of a permanent Zoning Administrator, whichever occurs first.

Motion by: Garfield
Seconded: Krug
Ayes: Garfield, Krug, Mathis, Shaltz
Nays: None

Motion carried.

Temporary Expense Authorization

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Chairperson Garfield reported that the resolution adopted by the Township Board each year to approve the budget grants expense authority, (up to \$10,000), to the Township Supervisor. Because the office of Supervisor is currently vacant, it would be advisable to grant temporary expense authority to one or more officials until a Supervisor is elected. This authority would cover routine items, like signing expense reimbursement forms, and also emergency expenses.

Motion to grant expense approval authority up to \$1,000.00 to Treasurer Joan Garfield and Office Manager Thomas Broecker, with said authority automatically expiring upon the appointment or election of a Township Supervisor.

Motion by: Mathis

Seconded: Krug

Ayes: Garfield, Krug, Mathis, Shaltz

Nays: None

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Janet Lorch, 13465 Fenton Road

Ms. Lorch stated that she recently found out about the plans to widen Fenton Road from two lanes to five lanes between Butcher Road and the Fenton city limits. She expressed concern regarding safety and potential speeding on a widened road, and believes it would also negatively impact many homes that are already located near the existing road. She believes widening the road to only three lanes should be sufficient. Trustee Krug clarified that this project is under the sole jurisdiction of the Genesee County Road Commission and has been in various stages of development for over two years. He suggested that Ms. Lorch contact the road commission. Since construction has not yet begun it may not be too late to consider changes to the project.

Patrick Carmody, 16245 Silver Shore Drive

Mr. Carmody commended the board for their conduct during their first meeting as a temporary board. He also congratulated Trustee Shaltz on his appointment to the board, and praised the Township office staff for continued good work, especially during difficult times. Mr. Carmody also suggested that information regarding the new optical scan voting system should be distributed to the local newspapers. He hopes that the voter turnout in the special election can be improved if the voters are more comfortable with the new voting system.

Maxine Lenk, 6243 Smith Road

Ms. Lenk asked the board to appoint a representative to the Loose Senior Citizen Center board before their next meeting. After a brief discussion, Trustee Krug agreed to fill that role until after the October election.

Motion to appoint Robert Krug as Fenton Township's temporary on the Loose Senior Citizen Center Board, effective through October 31, 2003.

Motion by: Garfield

Seconded: Mathis

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Ayes: All
Nays: None

Motion carried.

Tom Richard, 12425 Jennings Road

In reference to the 800mhz radio equipment, Mr. Richard asked why the Township would pay any part of the expense before the equipment is delivered. Office Manager Broecker clarified that 50% of the expense would be recognized and set aside in 2004. The remainder would be expensed in 2005 and the entire payment would be made in 2005 when the equipment is received.

Dave Franz, 3435 Breezepointe

Mr. Franz asked the board to look into erosion and drainage problems on the southwest corner of Breezepointe and Jennings Road.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked the board to contact the City of Fenton regarding the weed treatments on their millpond. It is his understanding that the weeds are being mechanically removed and the debris is floating downstream and re-seeding itself. Board members will follow up with city officials.

Lorraine Zimmer, 6391 Acorn Way

Ms. Zimmer asked if more information, such as property addresses, could be included in legal notices for rezonings, site plans, etc. This will be researched.

Lee Martorana, 4180 Four Lakes Avenue

Ms. Martorana suggested that the Township's website could be used to provide more detailed information relative to public hearings.

Sonya Brown, 12159 Jennings Road

Ms. Brown announced that a meeting was scheduled for Thursday 9/4/03 for the formation of the Michigan Association of Registered Voters (MARV). This organization will be working on legislative changes related to mobile home developments. Representative Dave Robertson will be in attendance and invited any other interested parties to attend as well.

Trustee Mathis asked if any of the residents running for office in the 10/14/03 election wanted to introduce themselves. The following individuals did so:

Will Stiverson, candidate for Trustee, Republican
Ray Kalanquin, Trustee, No Party Affiliation (NPA)
Sean McDermott, Trustee, Republican
Patrick Carmody, Trustee, NPA
Dave Franz, Trustee, NPA
Cheryl O'Neill, Trustee, NPA

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ADJOURN: Meeting adjourned at 8:55 p.m.

Joan Garfield, Treasurer/Chairperson Pro-Tem

Thomas Broecker, Deputy Clerk

Minutes Posted 9/4/03