

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF DECEMBER 1, 2003**

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

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

Present: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson,
Office Manager Broecker and Attorney Siler

Absent: None

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Clerk Krug asked to have the Coachlight Pines sewer easement added to the agenda. Treasurer Garfield asked that the Fire Department Procedure Manual be added to the agenda. Motion to approve the 12/1/03 Fenton Township Board Meeting agenda as amended.

Motion by: Stiverson

Seconded: Garfield

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 11/17/03 regular meeting stand approved as presented.

EXPENDITURES:

Supervisor Mathis asked that the rental agreement with McIntyre Soft Water be reviewed to see if purchasing the equipment would be more economical. She also asked to review the copier lease agreements with Xerox. Supervisor Mathis also noted that a quote was being obtained to plant trees along Jacob Road at Fire Station #2. Motion to approve expenditures as presented.

Motion by: Mathis

Seconded: Garfield

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

PUBLIC HEARINGS:

Fenton Orchards II Streetlighting Special Assessment District/2nd Hearing

Supervisor Mathis reviewed the proposed special assessment for streetlighting in Phase II of the Fenton Orchards development. There was no public comment. Clerk Krug presented the following resolution:

RESOLUTION NO. 2003-33

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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 Fenton Orchards 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;

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. 2003-5 and shall hereby be confirmed as the assessment roll for the Fenton Orchards II Street Lighting Special Assessment District.

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2003-5 shall be paid in annual installments with the first installment to be due and payable on December 1, 2004 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

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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. 2003-33 as presented.

Motion by: Krug

Seconded: Garfield

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried. Resolution declared adopted.

REPORTS:

Zoning Referendum

Clerk Krug reported that a notice of intent to file referendum petitions was filed with the Township relative to Ordinance No. 612. Ordinance No. 612 rezoned the property commonly known as the Starrs Farm from AG and R-4 to PUD. There has been much discussed and written about the proposed referendum, including some outdated and incorrect information relating to the referendum process.

- The notice of intent to file referendum petitions was filed on November 21, 2003.
- Ordinance No. 612 was published on November 23, 2003.
- Under Michigan Law (MCL 125.282) petitions bearing the required number of signatures must be filed with the Township Clerk within 30 days of publication of the ordinance. The number of signatures required is 15%, (not 10% as previously discussed), of the total votes cast for all candidates for Governor in the last gubernatorial election. In this case, petitions bearing the signatures of 819 registered Fenton Township voters must be submitted by the close of business on December 23, 2003.
- Because the notice of intent to file referendum petitions was filed, the ordinance does not take effect unless one of the following occurs:
 - a) No petitions are filed within 30 days of publication.
 - b) Petitions are filed, but do not contain sufficient signatures, or are deemed invalid for other reasons.
 - c) Petitions are submitted and verified and the referendum election results in approval of the rezoning.
- The Township Board would determine the election date and ballot language for any referendum election.

This corrected information has been provided to Lorraine Zimmer, the Starrs family, the developer and both newspapers.

Public Safety Committee

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Treasurer Garfield reported that the Public Safety Committee had reviewed the proposed policy & guidelines manual for the Fenton Township Fire Department. The Township's insurance company and the Township Attorney have also reviewed the document and recommended approval.

Motion to approve the Fenton Township Fire Department Policy & Guidelines Manual as presented.

Motion by: Garfield

Seconded: Carmody

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

Annexation Update

Trustee McDermott reported that he and Trustee Carmody, along with Attorney Siler and Office Manager Broecker, attended the recent meeting regarding the proposed annexation of property into the City of Fenton. Attorney Siler reported that the Department Director had refused to sign the order approving the annexation. The purpose of the meeting was to work toward an agreement between the City of Fenton and Fenton Township regarding the provision of water to the subject property, thus removing the need to consider annexation. The City of Fenton is opposed to providing services outside their boundaries because of concern that it would set a legal precedent. The two communities were asked to meet to attempt to find a solution and report back to the Boundary Commission on January 15, 2004. Attorney Siler stated that the Township has always been willing to work out an agreement to have the City of Fenton provide water to the property, so it is up to the City to determine if an option exists that is acceptable to them. If a solution is not reached, Attorney Siler believes that the Township will be declared exempt from annexation, either by the Director or an Appeals Court.

Trustee Carmody stated that the problem with this property goes back some 15 years. The previous and current owners simply do not want the responsibility of providing water.

Committee & Miscellaneous Meetings

Trustee McDermott on the following meetings:

Sewer Committee (11/19/03): Video inspection of the Township sanitary sewer system is approximately 80% complete. Most severe problems have been repaired and inflow/infiltration has been greatly reduced.

Storm Water Management (11/21/03): The Township is reviewing new storm water regulations that will be placed into effect over the next several years.

Pre-construction Meeting for Stoney Brook development (11/24/03): Phase I of the development (Lahring Road west of Linden Road) will begin soon.

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Genesee County Road Commission (11/25/03): Township representatives met with Road Commission officials to discuss drainage issues near the Starrs Farm property and the widening project for Fenton Road. The environmental study for the Fenton Road project will be completed over the next few months. The public hearing will likely be held in the spring.

Planning Commission Special Meeting (11/25/03): Action on the proposed site plan for the Lake Fenton Marina was postponed so that several site issues could be addressed.

Rowe Incorporated Open House

Supervisor Mathis reported that Bill Winiarski, Chairman of Rowe Incorporated, has extended an invitation to the Fenton Township Board to visit their corporate headquarters and meet some of their key personnel. Because the Township have so many new board members, this will provide an excellent opportunity to become more familiar with the departments and staff of Rowe and learn more about the services they provide as a designated Township Engineer and Planner. The visit is scheduled for Wednesday December 10, 2003 at 5:00 p.m. and should last no more than two hours. Since the purpose of this visit is educational, it will not be a violation of the Open Meetings Act to have more than three board members present. Board members should confirm their attendance with Supervisor Mathis or Office Manager Broecker.

Traffic Study

Supervisor Mathis reported that the Genesee County Road Commission is completing traffic counts for the intersections near the new Lake Fenton High School. They are recommending that the Township require Lake Fenton Schools to complete a traffic impact study. Such a study will be the basis for any changes to traffic signals, signs, etc.

COMMUNICATIONS:

America Recycles Day

Supervisor Mathis read from a letter from Genesee County regarding the recent collection of used cell phones and pagers. They thanked Fenton Township for being one of the collection points. The phones will be donated to battered women shelters and/or recycled.

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Vehicle Code Ordinance/2nd Reading

Supervisor Mathis briefly reviewed the proposed ordinance was introduced at the 11/17/03 meeting. The proposed ordinance adopts the newly revised Uniform Traffic Code as the Township's Vehicle Code. Attorney Siler briefly outlined some of the major changes to the law encompassed by the new code. There was no further discussion.

Motion to adopt Ordinance No. 613, a revised Vehicle Code Ordinance, as presented.

Motion by: Stiverson

Seconded: Garfield

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

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Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS-OTHER:

Workshop Meeting – 12/8/03

Supervisor Mathis recommended the scheduling of a workshop meeting to review various issues. The board agreed to schedule a workshop for 7:00 p.m. on Monday 12/8/03.

NEW BUSINESS:

Resolution No. 2003-34, Township Supervisor Job Description

Supervisor Mathis reviewed a proposed resolution to revise the Township Supervisor job description . It is her intent to reduce the position to part-time status, eliminating several responsibilities, reducing the minimum hours to 25 per week and reducing the annual salary to \$33,333.00. Trustee Stiverson expressed concern regarding the board's authority to approve these changes. He believes the changes can be accomplished with written approval of the Supervisor without board approval. Attorney Siler stated that the board could postpone action on the resolution, pending clarification of the issues raised by Trustee Stiverson.

Motion to postpone action on Resolution No. 2003-34 until the 12/15/03 meeting.

Motion by: Stiverson

Seconded: Krug

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

Planning Commission Resignation

Supervisor Mathis reviewed a letter from Sue Piddington resigning from the Fenton Township Planning Commission. Ms. Piddington has moved out of the Township and is no longer eligible to serve.

Motion to accept, with regrets, the resignation of Suzanne Piddington from the Fenton Township Planning Commission.

Motion by: Krug

Seconded: Stiverson

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

Extension of Interim Zoning Administrator

Supervisor Mathis reminded the board that, at the 9/2/03 Township Board meeting, Penny Sharich was appointed Zoning Administrator and Valerie McDonald Deputy Zoning Administrator on an interim basis. These appointments expired as of 11/30/03. Because the Zoning Administrator issue is still being reviewed, she is recommending that these appointments be extended through 12/31/03. Both employees have agreed to continue in this capacity for the additional month.

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Motion to extend the appointments of Penelope Sharich and Valerie McDonald to the positions of Zoning Administrator and Deputy Zoning Administrator, respectively, through December 31, 2003.

Motion by: Krug

Seconded: Carmody

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

Designation of School District Liaison

Clerk Krug stated that he would like to serve in the capacity of liaison between the Fenton Township Board and the three school districts in the Township for the purpose of improving communications and keeping each other up to date on current issues. If approved, it is his intent to establish quarterly meetings with the school district Superintendents and School Board Presidents.

Trustee Stiverson stated that Clerk Krug is an ideal person to fill this roll, given his past experience as a member of the Lake Fenton Board of Education.

Motion to designation Clerk Robert Krug as the Township Board's liaison to the boards of education of the Lake Fenton, Linden and Fenton school districts.

Motion by: Stiverson

Seconded: Garfield

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

Coachlight Pines Sewer Easement

Clerk Krug explained that the Coachlight Pines Association has requested, through their attorney, an extension of time for their reply to the Township's formal offer for the sewer easement. The association has a meeting scheduled for 12/9/03 and will inform the Township of their decision on 12/10/03. Trustee Carmody asked that Mr. Van Norman also be informed of this action. Clerk Krug will follow up with Mr. Van Norman.

Motion to extend the deadline for the reply of the Coachlight Pines Association to the Township's formal offer for a sewer easement, until 12/10/03.

Motion by: Krug

Seconded: Stiverson

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Dave Franz, 3435 Breezepointe

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Mr. Franz asked the purpose of the meeting mentioned by Clerk Krug with the developer of the Starrs property. Clerk Krug responded that the meeting was simply to explain the referendum process. Mr. Franz also expressed concern over the potential for legal action regarding this development and the confusion regarding the parallel plan provided by the developer.

Bill Ochodnicki, 14107 Landings Way

Mr. Ochodnicki stated that he is opposed to time limits on public comment. Supervisor Mathis stated that she wanted to try it based on input received from others. Mr. Ochodnicki also asked if David Lewenz had filed a lawsuit against the Township regarding the proposed Ponemah Woods development. Supervisor Mathis responded that Mr. Lewenz had filed a lawsuit and that a preliminary meeting with the Township attorneys has already been scheduled.

Tony Brown, 12159 Jennings Road

Mr. Brown asked if the board could conduct an executive session to discuss issues related to the Starrs property. Attorney Siler stated that the referendum and related issues do not meet the requirements for a closed session. A special meeting of the board or an informal meeting with less than a quorum of the board are possible alternatives.

Jack Wheatley, Rowe Incorporated

Confirming the earlier report by Supervisor Mathis, Rowe Incorporated will be conducting an open house on Wednesday 12/10/03 from 5:00 p.m. to 7:00 p.m. He also stated that he would be happy to address any engineering related issues that come up during the course of board meetings.

ADJOURN: Meeting adjourned at 8:45 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 12/2/03