

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JANUARY 5, 2004**

**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, Carmody, Gatesman, McDermott, Stiverson, Office
Manager Broecker and Attorney Cooley.

Absent: Garfield

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Supervisor Mathis asked the have the following item added to the New Business section of the agenda:

Coachlight Pines Sanitary Sewer Easement

Motion to approve the 1/5/04 Fenton Township Board Meeting agenda as amended.

Motion by: Mathis

Seconded: Krug

Ayes: All Present

Nays: None

Absent: Garfield

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 12/15/03 regular meeting stand approved as presented.

EXPENDITURES:

Trustee McDermott questioned an invoice from Rowe Incorporated for site plan review. These expenses are supposed to be paid by the developer. Office Manager Broecker clarified that the Township pays Rowe for the services provided and invoices the developer separately. Trustee McDermott also questioned the lease of storage space from Perani's. It is his understanding that the Township was looking into less expensive alternatives for storage of sewer project materials. Supervisor Mathis will follow up on this issue. Motion to approve expenditures as presented.

Motion by: Stiverson

Seconded: Gatesman

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

Nays: None

Absent: Garfield

Motion carried.

PUBLIC HEARINGS:

None

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REPORTS:

DEQ Public Hearing – Proposed Ponemah Woods Development

Supervisor Mathis reminded the board and the audience that the DEQ will be holding a public hearing on the application of Lewenz Development to construct a private marina in the proposed Ponemah Woods development. The hearing will be held Wednesday January 7, 2004 at the Fenton Township Civic Community Center, beginning at 7:00 p.m.

Fenton Area Cable Television (FACT) Consortium Update

Trustee Carmody reported that a quorum was not achieved at the recent FACT meeting, therefore no action could be taken on pending applications. Trustee Carmody expressed concern that the consortium is having difficulty attaining a quorum on a regular basis. He would like to pursue changes in the by-laws to allow proxy voting to improve the application process for PEG funds. He also would like to host an open house to showcase the school broadcasting program capabilities and hopefully rekindle interest in the program. He would like to see local governmental meetings broadcast on Channel 19. Trustee Stiverson, who also attended the last FACT meeting, agreed with Trustee Carmody's concerns and supported his suggestions for changes and improvements. Trustee Carmody asked for the board's permission to draft a letter to the other member communities regarding proposed procedural changes and program improvements.

Motion to authorize Trustee Carmody to submit a letter to the FACT member communities outlining proposals to change by-laws, enhance procedures, etc., as requested.

Motion by: Mathis
Seconded: Stiverson
Ayes: All Present
Nays: None
Absent: Garfield

Motion carried.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Traffic Code Ordinance/1st Reading

Supervisor Mathis introduced a proposed Traffic Code Ordinance. Attorney Cooley explained that, although the Township recently enacted an ordinance to adopt the Uniform Traffic Code by reference, he subsequently consulted the Michigan Townships Association (MTA) and determined that it was advisable to also adopt some provisions of the Michigan Vehicle Code and certain other statutes. The proposed ordinance covers all the necessary legal areas and is recommended by the MTA.

There was no further discussion. The second reading of the proposed ordinance will be conducted at the 1/19/04 meeting.

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UNFINISHED BUSINESS-OTHER:

Scheduling of Workshop Meeting

Supervisor Mathis recommended the scheduling of a workshop meeting to review and discuss several issues. After a brief discussion the board agreed to schedule a meeting for Tuesday 1/13/04, beginning at 4:00 p.m.

NEW BUSINESS:

Public Hearing 1/19/04 – 2004 Local Road Improvements

Supervisor Mathis asked the board to schedule a public hearing to obtain input regarding potential local road improvements for 2004. Conducting the hearing at the 1/19/04 meeting will allow enough time to finalize project decisions and forward them to the Genesee County Road Commission.

Motion to schedule a public hearing on 2004 local road improvements for the January 19th Township Board Meeting.

Motion by: Mathis

Seconded: Stiverson

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

Nays: None

Absent: Garfield

Motion carried.

Flint Genesee Economic Growth Alliance – Request for Increased Support

Office Manager Broecker reviewed a letter from the Flint-Genesee Economic Growth Alliance. The letter thanked the Township for their past financial support and outlined their successes over the past five years. As the Growth Alliance enters Phase 2 of their plan, they are requesting an increase in the Township's annual allocation from \$1,200.00 to \$3,900.00 (\$.30 per capita). Supervisor Mathis stated that an increase to \$3,900.00 is more than she is comfortable with. She could support a modest increase of \$300.00 for an annual allocation of \$1,500.00. Trustee McDermott suggested that the issue be postponed so it can be discussed in more detail at the workshop meeting. The board agreed.

Resolution No. 2004-01, Pinnacle Shores III Street Lighting Special Assessment

Office Manager Broecker reported that the developer of the Pinnacle Shores Subdivision has petitioned for a street lighting special assessment district for the third phase of the development. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-01

WHEREAS, the Fenton Township Board has accepted a petition from the record owners of properties within Phase III of the Pinnacle Shores Subdivision to establish a special assessment district for street lighting within the development, and

WHEREAS, it has been determined that the petition has been signed by the record property owners representing over 50% of the land area in the proposed special assessment district, and

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WHEREAS, plans and estimated costs for the foregoing street lighting have been placed on file in the office of the Township Clerk,

THEREFORE BE IT RESOLVED, that the Fenton Township Board does hereby tentatively declare its intent to have street lights installed in Phase III of the Pinnacle Shores Subdivision, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby tentatively establish the boundaries of the proposed special assessment district to include Lots 77-112 of the Pinnacle Shores Subdivision, and

BE IT FURTHER RESOLVED, that the Fenton Township Board will hold a public hearing on the establishment of the proposed special assessment district at its regular meeting to be held on Monday January 19, 2004 at the Fenton Township Civic Community Center, beginning at 7:30 p.m.

Motion to adopt Resolution No. 2004-01 as presented.

Motion by: Krug

Seconded: Stiverson

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

Nays: None

Absent: Garfield

Motion carried. Resolution declared adopted.

Resolution No. 2004-02, Blanket Resolution for Changes to Consumers Street Lighting Contract

Office Manager Broecker reported that Consumers Energy requires an annual resolution to authorize the Township Supervisor and Clerk to approve changes to the Township's street lighting contract. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-02

BE IT RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the street lighting service as is provided in the Standard Street lighting Contract between the Company and the Charter Township of Fenton, dated January 18, 1977 in accordance with the Authorization for Change in Standard Streetlighting Contract dated as of January 5, 2004, heretofore submitted to the Charter Township of Fenton, and

BE IT FURTHER RESOLVED, that Bonnie K. Mathis, Township Supervisor and Robert E. Krug, Township Clerk be and are authorized to execute such authorizations for change on behalf of the Charter Township of Fenton.

Motion to adopt Resolution No. 2004-02 as presented.

Motion by: Stiverson

Seconded: Mathis

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Ayes: Mathis, Krug, Carmody, Gatesman, McDermott, Stiverson
Nays: None
Absent: Garfield

Motion carried. Resolution declared adopted.

Coachlight Pines Sanitary Sewer Easement

Attorney Cooley reviewed the history of the sewer easement needed by the Township to provide sewer to homes near the Coachlight Pines development. Through their attorney, the Coachlight Pines Association has raised additional issues regarding the lack of proper easements for existing sewer lines within their development. They would like to the Township to reconsider their previous offer of \$300 in an attempt to settle and resolve all issues. Mr. Cooley stated that, because of the potential for substantial legal costs for obtaining the easement and defending a possible counter-suit by the Coachlight Pines Association, he recommends offering as much as \$5,000.00 to settle all issues. Supervisor Mathis stated that she is in favor of settling the matter as recommended by Attorney Cooley. The cost of legal actions would likely exceed \$5,000.00. Trustee McDermott disagreed with this approach, stating that the board has already made an offer of \$300.00 and we should proceed with legal action since it has not been accepted. He feels that settling the issue for a higher dollar amount sets a bad precedent and creates the perception that the Township is “rolling over” to settle the issue. Trustee Carmody offered a different perspective, stating that any settlement payment would constitute a reimbursement for past mistakes. Trustee Gatesman observed that many of the issues that have been discussed in this matter don’t even involve the Township (trees cut down, gatehouse removal, etc.). The Township is in the middle of a neighborhood dispute. Clerk Krug suggested that the best way to resolve the issue is to authorize the Supervisor to settle the issue, up to a certain dollar amount, directly with the Coachlight Pines Association and Mr. Van Norman. Trustee Stiverson added that any settlement must include a release of all liability by all parties

Motion to authorize Supervisor Mathis to negotiate a settlement with the Coachlight Pines Association, for an amount not to exceed \$5,000.00, to grant the necessary sewer easement, resolve all issues, and release the Township from all liabilities related to sanitary sewer and related easements.

Motion by: Gatesman
Seconded: Krug
Ayes: Mathis, Krug, Carmody, Gatesman, Stiverson
Nays: McDermott
Absent: Garfield

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Dick Shelp, 5127 Harp Drive

Mr. Shelp reported that a property owner in the Crescent Sail Beach Estates development appears to be filling near the lake and constructing a seawall without a permit. Office Manager Broecker responded that this issue had been reported to the Township just

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before the holidays. The Ordinance Enforcement Officer and Building Inspector have already conducted onsite inspections and are consulting the DEQ.

Mr. Shelp also raised issues related to trash collection. Supervisor Mathis will follow up.

Dan Zawlocki, 4520 Eleanor Drive

Mr. Zawlocki supported the board's decision to settle the Coachlight Pines issue. He would like the mistakes mentioned to be made public so we can all learn from those mistakes.

Lee Martorana, 4180 Four Lakes Avenue

Ms. Martorana asked if the workshop meeting is open to the public. Supervisor Mathis confirmed that the workshop is a public meeting. She also asked about the possibility of a combined meeting of the Township's lake associations. Supervisor Mathis will follow up.

Bill Ochodnicki, 14107 Landings Way

Mr. Ochodnicki stated that the DEQ considers a marina to be a commercial use, which would be inconsistent with any property zoned residential. This issue should be raised at the 1/7/04 public hearing.

Gary Carlson, 14041 Squaw Lake Drive

Mr. Carlson reported that the Township's website needs to be updated. Trustees Carmody and Gatesman are not listed there yet. Regarding Ms. Martorana's question about lake associations, Mr. Carlson clarified that there is an organization called the Coalition of Fenton Township Lake Associations. The Presidents Council of this organization meets 3-4 times each year. Kirsten Hawes is the chairperson of the Presidents Council. Mr. Carlson also reported that there are numerous wetland violations occurring in the Emerald Pointe Development. This will be investigated.

Jack Wheatley, Rowe Incorporated

Mr. Wheatley reported that a draft version of the Township's Water Master Plan has been delivered for review. He will be happy to review the document with the board at their convenience. He also reported that a preliminary meeting has been schedule with the DEQ regarding the Township's application for funding from the State Revolving Fund (SRF) to continue sewer system repairs.

ADJOURN: Meeting adjourned at 9:25 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 1/6/04