

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JANUARY 19, 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:**

Motion to approve the 1/19/04 Fenton Township Board Meeting agenda as presented.

Motion by: Stiverson

Seconded: Krug

Ayes: All Present

Nays: None

Absent: Garfield

Motion carried. The agenda is approved.

**MEETING MINUTES:**

The minutes of the 1/5/04 regular meeting and the 1/13/04 workshop meeting stand approved as presented.

**EXPENDITURES:**

Motion to approve expenditures as presented.

Motion by: Carmody

Seconded: Stiverson

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

Nays: None

Absent: Garfield

Motion carried.

**PUBLIC HEARINGS:**

**2004 Local Road Improvements**

Supervisor Mathis opened the public hearing to gather input on potential local road improvement projects for 2004.

Public Comment:

The following individuals addressed the board regarding potential road improvement projects:

Dean Sharp 12463 Odell Road

Cheryl Clark, 12177 Dalhart Drive

Erica Martel, 12262 Odell Road

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Iris Peace, 11421 Audubon Drive  
David Franz, 3435 Breezepointe  
Rick Munger, 12237 Dalhart Drive  
Joseph Sobczak, 12482 Odell Road  
Joseph Szabo, 12193 Dalhart Drive  
David Spear, 3194 Ponemah Drive

The roads discussed included:

Odell Road: the existing road gravel is in poor condition; the road needs additional gravel or limestone and more ditching; residents would also like to see a lower speed limit.

Dalhart Drive: the entire street is in poor condition, with significant drainage problems.

Rolston Road: the pavement is in very poor condition, creating a safety hazard.

Audubon Drive: drainage from Wiggins Road and neighborhood sump pumps is creating flooding and icy conditions.

Ponemah Drive: there continues to be a flooding problem on Ponemah Drive.

Supervisor Mathis thanked the residents for their input. Cost estimates will be requested from the Genesee County Road Commission and recommendations will be brought back to the board at a future meeting.

**Pinnacle Shores III Street Lighting Special Assessment District/1<sup>st</sup> Hearing**

Supervisor Mathis reviewed the proposed special assessment for street lighting in Phase III of the Pinnacle Shores subdivision. There was no public comment. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2004-03**

*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 street lighting 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 19<sup>th</sup> day of January 2004 commencing at 7:30 p.m. and all persons given the opportunity to be heard in the matter, and*

*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;*

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*THEREFORE BE IT RESOLVED, that the Fenton Township Board does hereby determine that the petitions for the Pinnacle Shores III Street Lighting 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 maintenance of street lights in Phase III of the Pinnacle Shores Subdivision as prepared and presented, and the estimated costs thereof of \$990.00 per year, 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 Pinnacle Shores III Street Lighting Special Assessment District, within which the costs of such improvements shall be assessed, the following described area within said township:*

***Lots 77-112 of the Pinnacle Shores Subdivision***

*BE IT FINALLY 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/she 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. 2004-03 as presented.

Motion by: Krug

Seconded: Stiverson

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

Nays: None

Absent: Garfield

Motion carried. Resolution declared adopted.

Supervisor Mathis reported that, in anticipation of the adoption of the previous resolution, a special assessment roll had been prepared, certified and filed with the office of the Township Clerk. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2004-04**

*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 \$990.00 per year, covering all parcels of land within the Pinnacle Shores III Street Lighting Special*

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*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 February 2, 2004 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 FINALLY 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 Pinnacle Shores III Street Lighting 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. 2004-04 as presented.

Motion by: Carmody

Seconded: Stiverson

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

Nays: None

Absent: Garfield

Motion carried. Resolution declared adopted.

**REPORTS:**

**FACT Consortium Update**

Trustee Carmody reported that the City of Fenton recently approved the agreement related to Fenton Township's application for PEG funds. He also stated that he is continuing to work on ideas to better utilize public access Channel 19. He is hopeful that local government and school board meetings can be telecast on that channel in the near future.

**Public Safety Committee Update**

Trustee Stiverson reported that the revised agreement to provide fire protection and emergency services to a portion of Tyrone Township has been received and was placed on tonight's agenda. The committee supports the approval of the agreement.

**Miscellaneous Updates**

Regarding the issue of storage for sewer project materials, Supervisor Mathis reported that excavation contractor Mike Bostwick had investigated the possibility of purchasing

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property to use for storage. Property costs, however, were too high to make that approach feasible.

Supervisor Mathis also reported that a meeting with the Coachlight Pines Association would be scheduled soon to resolve the sewer easement issue.

**COMMUNICATIONS:**

None

**UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:**

**Traffic Code Ordinance/2<sup>nd</sup> Reading**

Supervisor Mathis reviewed the proposed Traffic Code Ordinance, which was introduced at the 1/5/04 meeting. Attorney Cooley confirmed that this ordinance is recommended by the Michigan Townships Association. There was no further discussion.

Motion to adopt Ordinance No. 614, the Fenton Township Traffic Code Ordinance, as presented.

Motion by: Stiverson

Seconded: Krug

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

Nays: None

Absent: Garfield

Motion carried. Ordinance declared adopted.

**Sanitary Sewer System Ordinance/1<sup>st</sup> Reading**

Supervisor Mathis introduced the Sewer System Ordinance, which was reviewed at the 1/13/04 workshop meeting. The primary purpose of the ordinance is to update the existing ordinance from 1972. The provisions regarding mandatory connection will not be changed. Existing homes with functioning septic systems will not be required to connect to the sanitary sewer unless their septic system fails. Other than this provision, this ordinance does not include any regulation of septic systems. Trustee McDermott pointed out that the Township's ordinance considers premises within 250 feet of the sewer to have sewer "available". The Genesee County Health Code uses 300 feet as the standard. The board agreed that the ordinance should be consistent with Genesee County regulations and changed the standard to 300 feet.

Public Comment:

Nick Petts, 1316 Petts Road

Mr. Petts asked for clarification on the 300-foot rule. It was clarified that the sewer is deemed available if it is within 300 feet of the property line.

Tom Richard, 12425 Jennings Road

Mr. Richard inquired about the fees to connect to the sewer. Office Manager Broecker responded that the current connection fee is \$4,450.00. For properties that were never assessed as part of a sewer special assessment district, a connection surcharge of

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\$3,250.00 is also required. Trustee Gatesman asked if the connection fees and surcharges could be financed. Office Manager Broecker stated that financing has been allowed on a case-by-case basis and we can continue to offer that option. Trustee Carmody added that anything the Township can do to make the process “resident-friendly” is worthwhile.

Steve Murphy, 16457 Linden Road

Mr. Murphy asked if there are also user fees in addition to the connection fees. Office Manager Broecker confirmed that use fees are billed quarterly to all residential users. The current quarterly rate is \$87.00. The use fees are used for debt retirement, Township OM&R (Operation, Maintenance & Replacement) and County OM&R.

John Kaye, 11318 Jennings Road

Mr. Kaye asked if multiple unit uses pay the same connection fee. Supervisor Mathis stated that there is currently a price break for multiple unit permits, however the Township is reviewing this policy for possible changes. Mr. Kaye also asked about the sewer millage. Office Manager Broecker stated that the millage is for the retirement of pre-Headlee sewer debt, and would expire in a few years.

Tony Brown, 12154 Jennings Road

Mr. Brown asked if the Township will continue to expand the sanitary sewer system. Mr. Brown suggested that sewer is not needed in the northwest quadrant of the Township because there are no lakes to protect. Supervisor Mathis responded that no decisions to expand have been made at this time. Trustee Carmody emphasized that the degree of expansion is yet to be determined. The Township is still analyzing the entire system. Trustee McDermott suggested that a service boundary could be utilized to limit development.

There was no further discussion. The second reading of the proposed ordinance will be conducted at the 2/2/04 meeting.

**UNFINISHED BUSINESS-OTHER:**

None

**NEW BUSINESS:**

**New Vehicle Purchase – Building Inspector & Ordinance Enforcement Officer**

Supervisor Mathis noted that the board discussed the purchase two vehicles for Township use at the 1/13/04 workshop meeting. One is for the Building Inspector, who has been driving his own vehicle, and the other is for the Ordinance Enforcement Officer, who is driving a 1995 ex-police cruiser with 175,000+ miles. Supervisor Mathis has obtained quotes but will obtain revised quotes based on 4-wheel drive and automatic transmission. Trustee Stiverson reported that Treasurer Garfield had suggested obtaining the vehicles through Genesee County to obtain better pricing. Trustee McDermott recommended purchasing through a fleet program to save cost. He also suggested that quotes be obtained from the local Ford dealer. Revised quotes will be brought back to a future meeting.

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**Emergency Services Agreement, Hartland Deerfield Tyrone Fire Authority**

Supervisor Mathis presented an agreement to continue providing fire protection and emergency medical services to a portion of Tyrone Township in 2004. Because Tyrone Township has joined the Hartland Deerfield Tyrone Fire Authority, the agreement is with the authority rather than the township. It was also noted that the per run charge has been increased to \$1,070.00. Trustee Stiverson reported that Fire Chief Moulton is satisfied with the provisions of the contract. Trustee Carmody noted that, in addition to the increase in the per-run fee, the coverage area has been reduced. The Public Safety Committee recommends approval of the agreement.

Motion to approve the agreement between the Charter Township of Fenton and the Hartland Deerfield Tyrone Fire Authority, as presented.

Motion by: Stiverson

Seconded: Carmody

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

Nays: None

Absent: Garfield

Motion carried.

**Resignation from Fenton Township Planning Commission**

Supervisor Mathis reported that Planning Commissioner Phil Quasarano had submitted a letter of resignation. Mr. Quasarano indicated that a medical situation within his family is the reason for his resignation. He thanked the board for the opportunity to serve the community.

Motion to accept the resignation of Philip Quasarano from the Fenton Township Planning Commission.

Motion by: Mathis

Seconded: Carmody

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

Nays: None

Absent: Garfield

Motion carried.

**Appointments to Fenton Township Planning Commission**

Supervisor Mathis noted that, with the resignation of Mr. Quasarano, there are now two vacancies on the Planning Commission. This was discussed at the 1/13/04 workshop meeting and she is recommending the appointment of Marty Spees, an engineer from Gould Engineering, and Landings Way resident Bill Ochodnicki to fill these seats.

Motion to appoint Martin K. Spees to the Fenton Township Planning Commission for the term ending May 31, 2006.

Motion by: Mathis

Seconded: Krug

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

Nays: None

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Absent: Garfield  
Motion carried.

Motion to appoint William R. Ochodnicky to the Fenton Township Planning Commission for the term ending May 31, 2005.

Motion by: Mathis  
Seconded: Krug  
Ayes: Mathis, Krug, Carmody, Gatesman, McDermott, Stiverson  
Nays: None  
Absent: Garfield  
Motion carried.

**Proposed Ordinance to Regulate Septic Systems**

The board discussed the issue of a potential ordinance to regulate septic systems in the Township, which was reported in the local newspapers. Supervisor Mathis clarified that this issue is only being discussed at this time and that a direction has not been determined. Trustee Carmody added that the issue initially came up while working on the Sewer System Ordinance. The board agreed that the septic issue should be separate from the sewer ordinance and must be researched before any action is proposed.

Matt Spodney of the Genesee County Health Department stated that the County inspects approximately 10% of septic systems each year, focusing primarily on older systems. They also investigate any reports of failed systems or problems. Trustee McDermott asked if the County requires or recommends maintenance agreements for septic systems. Mr. Spodney stated that only engineered systems should have maintenance agreements.

The following individuals spoke regarding the potential septic system ordinance:

Jim Riddle, 3491 Ray Road  
Blaine Walker, 5269 Whispering Pines Trail  
Tony Brown, 12154 Jennings Road  
Sonya Brown, 12154 Jennings Road  
Nick Petts, 1316 Petts Road

Their concerns included:

- Annual inspection of septic systems is not necessary.
- Genesee County has authority over failed septic systems.
- An annual septic inspection fee would be an unfair financial burden for residents.
- Virtually all septic systems are well maintained. It will be unusual for a failed septic system to go unrepaired or unnoticed.

**PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:**

Dave Franz, 3435 Breezepointe  
Mr. Franz asked why non-GM vehicles are not being considered when purchasing Township vehicles. Supervisor Mathis stated that because GM is a large employer in



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Genesee County, most governmental agencies utilize GM vehicles. She will, however, obtain additional quotes from other makes.

Paul Dorland, 4448 Eleanor Drive

Mr. Dorland asked if CDBG funds could be used to improve Dalhart Drive. Office Manager Broecker stated that income surveys were completed a few years ago and the neighborhood did not meet the eligibility requirements.

Lorraine Zimmer, 3491 Acorn Way

Ms. Zimmer expressed concern regarding the proposed communications tower to be placed on the property near the Hogan Road sewage treatment plant. She believes such towers pose a significant health risk and the Township try to protect their residents.

**ADJOURN:** Meeting adjourned at 9:45 p.m.

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 1/21/04**