

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF FEBRUARY 16, 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, Garfield, Carmody, Gatesman, McDermott, Stiverson,
Office Manager Broecker and Attorney Cooley.

Absent: None

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Supervisor Mathis asked to have the Board of Review Appointment removed from the agenda. Motion to approve the 2/16/04 Fenton Township Board Meeting agenda as amended.

Motion by: Krug

Seconded: Garfield

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 2/2/04 regular meeting stand approved as presented.

EXPENDITURES:

Treasurer Garfield asked that invoice for Fire Chief Moulton to attend the BOCM conference be removed from the approval list. Although Chief Moulton serves as a backup Building Inspector, she does not believe it is not necessary for him to attend the annual conference every year. Motion to approve expenditures as presented, with the exception of the BOCM conference invoice for John Moulton.

Motion by: Garfield

Seconded: Krug

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

State Representative Robertson "Office Hours"

Treasurer Garfield reminded the board that State Representative David Robertson holds "office hours" from 9:00 a.m. to 11:00 a.m. at the Fenton Township Hall on the second Friday of each month. She encouraged residents to take advantage of this opportunity to talk one-on-one with our State Representative.

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Planning Support – Riparian Issues

Trustee McDermott reviewed a letter from Doug Piggott of Rowe Incorporated regarding planning support for riparian and keyholing issues. Rowe proposes subcontracting with Mark Wyckoff to utilize his expertise in lake-related issues. Mr. Wyckoff is the owner of the Planning and Zoning Center, editor of the Planning and Zoning News and has co-authored several articles on lake-related topics. Supervisor Mathis stated that this issue can be reviewed and cost estimates will be required before any commitments are made.

Rowe Incorporated Project Status Report

Supervisor Mathis reviewed a project status report from Jack Wheatley of Rowe Incorporated. The proposed parking lot improvements for the Fenton Township Civic Community Center are awaiting permits from the MDEQ and Genesee County Road Commission before the project can be put out for bids. A draft of the Water Master Plan has been distributed to the board and Rowe is suggesting that this issue be discussed at a future workshop meeting.

Fenton Road Project

Supervisor Mathis reported that a letter from Fenton Road resident Janet Lorch is asking the board to pursue a revision to the proposed Fenton Road improvement to widen the road to only three lanes rather than five. The Genesee County Road Commission's next meeting is Tuesday 2/24/04 at 10:00 a.m.

Fenton Area Cable Television (FACT) Consortium Update

Trustee Carmody reported that, in addition to the Three District Productions application already approved by the FACT board, two more applications had been received – another application from Three District Productions and one from Southern Lakes Parks & Recreation. Trustee Carmody distributed copies of the documentation and reported that these applications and the upcoming franchise renewal would be on the agenda for the next meeting. The next FACT meeting will be Thursday 2/26/04 at Fenton City Hall, beginning at 5:30 p.m.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Amendment to Zoning Ordinance/1st Reading

Supervisor Mathis introduced an amendment to the Zoning Ordinance, which was reviewed and recommended for approval at the last Planning Commission meeting. Trustee McDermott explained that the purpose of the ordinance is to establish definitions for the terms “boat slip” and “dock slip” and to clarify provisions regarding the use of open space in PUD developments. The board briefly discussed the issue of boat slips and dock slips. Clerk Krug suggested that a definition for the term “watercraft” may also be needed.

Public Comment:

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Dave Franz, 3435 Breezepointe

Mr. Franz asked if the number of boat slips would only restrict the number of registered watercraft. Trustee McDermott stated that the restriction would apply to all watercraft.

Lee Martorana, 4180 Four Lakes Avenue

Ms. Martorana asked how the ordinance would prevent the renting of boat slips to non-riparians. Trustee McDermott responded that the Planning Commission would require restrictions in the development master deed to provide the necessary controls.

There was no further discussion. The second reading of the proposed amendatory ordinance will be conducted at the 3/1/04 meeting.

UNFINISHED BUSINESS-OTHER:
Workshop Meeting w/Planning Commission

Supervisor Mathis stated that a workshop meeting with the Planning Commission has been scheduled for Tuesday 2/17/04, beginning at 6:00p.m. The Planning Commission has requested this meeting to discuss the future development of the Thompson Road corridor.

New Vehicle Purchase – Building Inspector & Ordinance Enforcement Officer

Supervisor Mathis reported that bids were requested from five local auto dealers for the purchase of two pickup trucks to be used by the Fenton Township Building Inspector and Ordinance Enforcement Officer. Bids were received from four of the five dealerships:

Joseph Pontiac/GMC	\$38,580.00
Lasco Ford	38,536.00
Martin Olds/GMC	36,416.26
Vic Canever Chevrolet	32,869.00
Fenton Chrysler-Dodge	(no bid submitted)

Supervisor Mathis recommends accepting the low bid of \$32,869.00 from Vic Canever Chevrolet. The board agreed that this was a good price for the two vehicles.

Motion to approve the purchase of two pickup trucks from Vic Canever Chevrolet at a total cost of \$32,869.00, as presented.

Motion by: Stiverson

Seconded: Krug

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

Nays: None

Motion carried.

NEW BUSINESS:
2004 Board of Review Hardship Policy

Office Manager Broecker reviewed the proposed 2004 Property Tax Hardship Exemption Policy. This policy is the same as the one adopted in 2003, except for updated income levels. Board adoption of the policy is required before the Board of Review meets next month. There was no further discussion.

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Motion to adopt the 2004 Property Tax Financial Hardship Exemption Policy as presented.

Motion by: Gatesman

Seconded: Carmody

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

Nays: None

Motion carried.

Resolution No. 2004-06, Appointment of Representatives–GCWWS Advisory Committee

Clerk Krug reviewed a letter from Genesee County Water & Waste Services asking each community to appoint and/or reaffirm the appointment of representatives on the WWS Advisory Committee. There was no further discussion. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-06

WHEREAS, the Charter Township of Fenton is an active member of the Genesee County Water and Waste Services Advisory Committee, and

WHEREAS, due to the resignation of several members of said Advisory Committee, Genesee County has requested that all communities appoint or reaffirm the appointment of their representative(s) on this committee;

THEREFORE BE IT RESOLVED, that the Township Board of the Charter Township of Fenton hereby reaffirms the appointment of Supervisor Bonnie Mathis as Fenton Township's representative on the Genesee County Water and Waste Services Committee, and

BE IT FURTHER RESOLVED, that the Township Board of the Charter Township of Fenton hereby reaffirms the appointment Office Manager Thomas Broecker as Fenton Township's alternate representative on the Genesee County Water and Waste Services Committee.

Motion to adopt resolution No. 2004-06 as presented:

Motion by: Krug

Seconded: Garfield

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

Nays: None

Motion carried. Resolution declared adopted.

Resolution No. 2004-07, Household Hazardous Waste Collection Program

Office Manager Broecker reviewed information from the Genesee County Area Recycling Coalition regarding the Household Hazardous Waste Collection Program. Their collection efforts over the past several years have been very successful, giving residents the opportunity to properly dispose such items as car batteries, used motor oil, pesticides and other hazardous materials. They are once again requesting that Fenton Township allocate \$1,500.00 toward their 2004 program. The board agreed that this

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program has been very effective and should be continued. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-07

WHEREAS, the Township Board of the Charter Township of Fenton fully supports the efforts of the Genesee County Area Recycling Coalition to provide environmentally safe methods for disposal of hazardous household waste, and

WHEREAS, the Charter Township of Fenton has pledged \$1,500 each year for the years 1996 through 2003 toward the cost of a Household Hazardous Waste Collection Program, and

WHEREAS, the Charter Township of Fenton Board of Trustees believes the continued support of this program to be in the best interests of the community;

THEREFORE BE IT RESOLVED, that the Charter Township of Fenton hereby pledges \$1,500 from its Solid Waste Management Fund towards the cost of the Genesee County Area Recycling Coalition's Household Hazardous Waste Collection Program in 2004.

Motion to adopt resolution No. 2004-07 as presented:

Motion by: Krug

Seconded: Garfield

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

Nays: None

Motion carried. Resolution declared adopted.

Resolution No. 2004-08, Proposed County-Wide Road Maintenance Millage

Clerk Krug reviewed a letter from the Genesee County Road Commission regarding a potential ballot proposal to raise revenue for road improvements and maintenance. The proposal would be countywide, however the revenue raised in each community would be allocated back to that community. Trustee McDermott stated that he is opposed to a countywide ballot proposal. He believes this would be an attempt to "sneak" the issue past our residents. If Fenton Township wants additional millage for roads we should have our own independent ballot proposal. Clerk Krug disagreed that a countywide proposal would constitute "sneaking" something past the residents. Fenton Township citizens would still have an opportunity to vote on the issue. The board discussed the issue in more detail, including the possibility that such a countywide proposal may be combined with a similar proposal for parks & recreation. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-08

WHEREAS, communities in Genesee County, including Fenton Township, are faced with the challenge of maintaining its network of public roadways, despite legislative changes and statewide budget cuts that have continually decreased the level of funding available for local road improvements and maintenance, and

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WHEREAS, as an alternative to reliance solely on state funding, the Genesee County Road Commission's Roads & Bridges Advisory Committee has been investigating the concept of a county-wide ballot proposal to generate tax revenue specifically for road improvements and maintenance;

THEREFORE BE IT RESOLVED, that the Township Board of the Charter Township of Fenton hereby supports the concept of a county-wide ballot proposal to seek the approval of the electors for a property tax increase of 0.5 mills for the Genesee County Operating levy, for the tax years 2004 through 2011, inclusive, for the exclusive purpose of financing the improvement of local roads, bridges, streets and associated road storm water drainage systems in Genesee County, provided that all tax dollars generated by said levy increase in each governmental unit are allocated back to the governmental unit.

Motion to adopt resolution No. 2004-08 as presented:

Motion by: Krug

Seconded: Garfield

Ayes: None

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

Motion failed.

Resolution No. 2004-09, Adoption of Michigan Emergency Management Assistance Compact

Clerk Krug reviewed a letter from Genesee County Emergency Management. They are recommending the adoption of the *Michigan Emergency Management Assistance Compact*, a cooperative agreement to share resources during times of emergency or disaster.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-09

WHEREAS, the State of Michigan Emergency Management Act, Act 390 of the Public Acts of 1976, as amended (MCL 30.401 et seq), authorizes the State and its political subdivisions to provide emergency aid and assistance in the event of a disaster or emergency, and

WHEREAS, the statutes also authorize the State to coordinate the provision of any equipment, services or facilities owned by the State or its political subdivisions for use in the affected area upon request of the duly constituted authority of the area, and

WHEREAS, the intent of this Resolution is to authorize the request, provision and receipt of inter-jurisdictional mutual assistance in accordance with the Emergency Management Act, Act 390 of the Public Acts of 1976, as amended, among political subdivisions with the State;

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THEREFORE BE IT RESOLVED, by the Township Board of the Charter Township, that in order to maximize the prompt, full and effective use of resources of all participating governments in the event of an emergency or disaster, we hereby adopt the Michigan Emergency Management Assistance Compact, which is attached hereto and incorporated by reference.

Motion to adopt resolution No. 2004-09 as presented:

Motion by: Krug

Seconded: Stiverson

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

Nays: None

Motion carried. Resolution declared adopted.

Resolution No. 2004-10, Financial Support for Jack R. Winegarden Library

Clerk Krug reviewed a letter from the City of Fenton requested financial assistance for the operation and maintenance of the district library located in their city. Although the Genesee District Library provides staffing and materials for its branch libraries, the community in which it is located is responsible for all building costs. Since Fenton Township residents make up a significant percentage of the people that use the library in Fenton, the City is asking the Township to help with expenses by committing funds annually. Trustee McDermott asked if the City of Fenton has been cooperative in other cost sharing situations with the Township. Clerk Krug stated that he is not aware of any other such endeavors. Trustee Carmody reminded the board that the approval of the annual expense can be rescinded at some future date by board action. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-10

WHEREAS, the Township Board of the Charter Township of Fenton fully supports the efforts of the Genesee District Library and its branch libraries located throughout Genesee County, and

WHEREAS, the cost of operating and maintaining the building that houses the Jack R. Winegarden Library in Fenton is the responsibility of the City of Fenton, and

WHEREAS, the residents of the Charter Township of Fenton benefit greatly from have a branch library located in the Fenton community;

THEREFORE BE IT RESOLVED, that the Charter Township of Fenton hereby pledges \$2,500.00 annually from its General Fund towards the operation and maintenance cost of the Jack R. Winegarden Library, beginning in 2004.

Motion to adopt resolution No. 2004-10 as presented:

Motion by: Krug

Seconded: Carmody

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

Nays: None

Motion carried. Resolution declared adopted.

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Allocation of Cable PEG Funds – Three District Productions

Trustee Carmody reported that the Fenton Area Cable Television (FACT) Consortium had approved the application of Three District Productions for the purchase of telecasting equipment. Fenton Township's allocated share of the cost is \$30,691.86. Trustee Carmody clarified that this money comes from PEG fees collected for this purpose under the cable franchise agreement and are not an expense to the Township. Trustee McDermott asked if there are any guarantees that the other communities will approve their share of the allocation. Trustee Carmody responded that there is no guarantee, however all communities are expected to grant approval. Clerk Krug added that there have been no instances of communities refusing to pay for approved PEG applications.

Motion to allocate \$30,691.86 of Cable PEG funds to Three District Productions, as approved and recommended by the FACT Consortium.

Motion by: Carmody

Seconded: Stiverson

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

Nays: None

Motion carried.

Proposed Purchase of Sewer Pump Station Generators

Trustee Carmody reviewed a recommendation from Engineer Allen Lawrence to purchase two generators to be located at the Whittaker Road and Marl Drive sewer pump stations. The total cost is \$35,516.00. Although there are several other pump stations that will eventually need generators to provide backup power, these two were determined to be the highest priority. The timing of future generator purchases will depend on budget limitations.

Motion to purchase two Cummins natural gas generators to be used sanitary sewer pump station backup power, as recommended

Motion by: Carmody

Seconded: Garfield

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

Nays: None

Motion carried.

DISCUSSION ITEMS:

Memo from Trustee Sean McDermott

Trustee McDermott brought up for discussion the following items:

Public Access Computer

Trustee McDermott noted that the previous board had developed the idea to place an information kiosk in the lobby of the Township office. He would like to pursue that concept to provide a method for the public to retrieve information without tying up office staff. Clerk Krug pointed out that the room that is now the Trustees office was the intended location for the information kiosk. This will be researched further.

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Investment Policy

Trustee McDermott suggested that the Township Treasurer pursue alternative investment options in order to maximize the Township's investment returns. Treasurer Garfield stated that she is in the process of reviewing potential investments, but must work within the limitations of the Township's Investment Policy.

Publication of Ordinances

Trustee McDermott suggested publishing ordinance summaries, rather than the full text, in order to reduce publication costs. Office Manager Broecker clarified that large ordinances, such as the Zoning Ordinance or large amendments to the Zoning Ordinance are placed at six public locations in the Township with a small notice published in the newspaper. For smaller ordinances, the option of publishing summaries will be reviewed to determine if a significant cost reduction can be realized. Attorney Cooley cautioned that there have been many legal cases challenging the validity of an ordinance where something less than the full text was published. This should also be considered before making a decision.

Pending Legal Actions

Attorney Cooley briefly reviewed the Township's current legal cases.

Special Census

Trustee McDermott reported that the Township has the option of conducting a special census in 2005. If the Township's population has increased by 15% or more since the 2000 Census, the Township would receive additional revenue sharing. He also noted that townships that provide water to 50% or more of their residents are placed in a higher revenue sharing category. This could potentially increase the Township's revenue sharing by 150%. Trustee McDermott also distributed a proposed ordinance that was considered by the Township Board in 1996. The ordinance provides for the Township to take over the operation and maintenance of private Type I well systems throughout the Township. Such an ordinance might be a first step in providing water to Township residents.

Strategic Planning

Trustee McDermott suggested that the Township Board consider working on long range plans for the development of the Township. He believes using a method known as "nominal group technique" would be useful.

Ordinances

Trustee McDermott suggested authorizing the Planning Commission to approve the drafting of proposed ordinances. Supervisor Mathis clarified that only the Township Supervisor or the board as a whole has expense authority. She suggested that requests for having the Township Planner draft proposed ordinances be brought to her.

Park Property

Trustee McDermott recommended pursuing the acquisition of an easement, by condemnation if necessary, to gain access to the 40-acre property located near the City of

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Fenton water plant. This property has been designated as a park but it has not been developed due to access problems. This issue will be researched.

Boat Sticker Ordinance

Trustee McDermott suggested the enactment of an ordinance to require stickers on watercraft owned by Fenton Township riparians. This may help reduce incidences of keyholing.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Gary Carlson, 14041 Squaw Lake

Mr. Carlson questioned how the proposed “boat sticker” ordinance would control illegal lake access. Trustee McDermott explained that the watercraft owner would have to present registration documents to the Township in order to obtain a sticker, thus making it easier to identify illegal watercraft.

Kirsten Hawes, 4282 Owen Road

Ms. Hawes expressed concern regarding the new wells that are a part of the City of Fenton's water plant and their potential impact on area aquifers and lake levels. She asked that the board monitor this situation closely.

Lorraine Zimmer, 6391 Acorn Way

Based on the discussion regarding the need for sewer pump station generators, Ms. Zimmer questioned if the sewer system was overtaxed and that may justify stopping development. She also expressed concern regarding water quality issues and suggested that the board needs to look at more long-range issues in the Township.

Dave Franz, 3435 Breezepointe

Mr. Franz asked about the status of the Starrs Farm development. Clerk Krug responded that the site plan approval process will be completed by the Planning Commission.

ADJOURN: Meeting adjourned at 9:50 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 2/17/04