

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

Absent: Krug

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to remove the Construction Board of Appeals appointments from the agenda.

Motion by: Mathis

Seconded: Garfield

Ayes: All Present

Nays: None

Absent: Krug

Motion carried.

Motion to approve the 4/19/04 Fenton Township Board Meeting agenda as amended.

Motion by: Mathis

Seconded: Gatesman

Ayes: All Present

Nays: None

Absent: Krug

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 4/5/04 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: Gatesman

Seconded: Stiverson

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

Nays: None

Absent: Krug

Motion carried.

PUBLIC HEARINGS:

Horizon Lakes Airpark I Street Lighting Special Assessment District/2nd Hearing

Supervisor Mathis reviewed the proposed special assessment roll for street lighting in Phase I of the Horizon Lakes Airpark development. Office Manager Broecker reported that the number of lights has been reduced from 14 to 12. Therefore the assessment roll

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and the confirming resolution have been revised to reflect the lower cost. There was no public comment. Office Manager Broecker presented the following resolution:

RESOLUTION NO. 2004-17

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 Horizon Lakes Airpark I 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, subsequent information obtained indicated the reasonableness of the following amendments to said assessment roll:

Due to the removal of two lights from the original plan, the total annual cost is revised to \$1,320.00. The assessment per parcel is revised to \$37.72 per year.

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, as amended, shall hereafter be designated as the Fenton Township Special Assessment Roll No. 2004-2 and shall hereby be confirmed as the assessment roll for the Horizon Lakes Airpark I Street Lighting Special Assessment District.

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2004-2 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

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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 FINALLY 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. 2004-17 as presented.

Motion by: Gatesman

Seconded: Carmody

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

Nays: None

Absent: Krug

Motion carried. Resolution declared adopted.

REPORTS:

Ordinance Enforcement Quarterly Report

Supervisor Mathis briefly reviewed the first quarter report from Ordinance Enforcement Officer Bob Atkinson.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS-OTHER:

CDBG Interlocal Loan Agreement – Davison Township

Office Manager Broecker reviewed a request from Davison Township for an interlocal loan of CDBG funds. Because a street improvement project submitted by Fenton Township was determined to be ineligible, the Township has \$70,469.00 in unallocated funds. The loaned funds would be paid back by Davison Township in 2006, thus giving Fenton Township two more years to identify potential projects.

Kay Adair, representing the Davison-Richfield Senior Citizen Center Authority Board, informed the board that Davison Township's request for an interlocal loan of CDBG funds was to expand the parking lot at the senior center. The center, which was jointly developed by Richfield Township, Davison Township and the City of Davison, has seen significant growth in activities and overall use. A larger parking lot is needed to accommodate the increased activities. The plans for the project are complete and the

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communities are ready to move forward with the project. She asked the board to consider approving the interlocal loan agreement in the spirit of cooperation between Genesee County communities.

Trustee McDermott stated that he believes that the money should be used to benefit Fenton Township residents. He recommends using the money to clean up blighted conditions and provide landscaping improvements at the Eastview Mobile Home Park. Supervisor Mathis expressed concern with the idea of using these funds to benefit a privately owned facility. Treasurer Garfield stated that she would like to investigate the possibility of re-conducting the income survey for Sonora Drive. Trustee Carmody stated that, although he is supportive of Davison Township's request, it appears that we need to conduct further research to see if there are eligible projects in our own community. After additional discussion the board agreed to take no action on the interlocal loan agreement at this time.

NEW BUSINESS:

Proposal to Conduct Sewer Fund Analysis & Rate Study – ACI Finance, Inc.

Supervisor Mathis stated that the Township has been monitoring the Sewer Fund very closely since the project to inventory, repair and upgrade the sanitary sewer system began over two years ago. Because of the extent of the necessary repairs and upgrades and their associated costs, she believes it to be in the best interests of the Township to retain a financial consultant to complete a sewer fund analysis and rate study to ensure the long-term stability of the Sewer Fund.

Attorney Mike McGee, who has worked with Genesee County and Fenton Township on sewer financial issues, provided a list of three consultants that, in his opinion, were best qualified to assist Fenton Township in this area.

Tetra Tech MPS
Jones and Henry Engineers, Ltd.
ACI Finance, Inc.

After reviewing the qualifications of each firm and obtaining input from the Genesee County Drain Commissioner's office, a meeting was scheduled with Tom Traciak of ACI Finance, Inc. Based on discussions with Mr. Traciak, Supervisor Mathis believes that ACI can best provide the service and direction we need. The board reviewed a proposal from ACI Finance, Inc. to complete a sewer fund analysis and rate study for Fenton Township, at a cost of \$9,500.00. Trustee McDermott asked how long the study would take and if it would address the issues related to the connection fee and surcharge fee that have been discussed in recent months. Office Manager Broecker confirmed that the study should be completed in 90 days and would be very comprehensive and address all financial aspects of the Sewer Fund. Treasurer Garfield asked if quotes were obtained from the other two firms. Office Manager Broecker clarified that this falls under the category of professional services, therefore qualifications, rather than cost, is the primary factor. Trustee Carmody stated that he supports the proposal. ACI Finance has the expertise and experience necessary to provide the Township with the needed information.

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The other recommended firms are engineering firms but he believes that utilizing a financial firm is the best alternative.

Motion to approve a Sewer Fund analysis and rate study to be conducted by ACI Finance, Inc. for a cost of \$9,500.00, as presented.

Motion by: Mathis

Seconded: Garfield

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

Nays: None

Absent: Krug

Motion carried.

Parking Lot Project – Fenton Township Civic Community Center

Jack Wheatley of Rowe Incorporated reported that six bids were received for the project to reconstruct the Township Hall parking lot, ranging from \$201,965.70 to 257,862.00. Due to budget limitations, the project was bid in two separate phases, allowing the Township to award a contract for one phase at a time. It is recommended that the construction of the north, or “back”, parking lot be approved first. The drainage pond necessary for the entire lot is part of the north phase so it makes the most sense to construct that first. While constructing the south lot first may have more immediate benefit for parking purposes, the sedimentation pond would still have to be constructed. This would push the cost well beyond the current year budget.

Mr. Wheatley also reviewed a proposal to provide construction inspection services for the project. Treasurer Garfield expressed concern over the cost of this service. Mr. Wheatley stated that the figures provided are only an estimate and that the service can be tailored to minimize the cost and still provide adequate inspection service. Trustee Carmody supported the concept of having construction inspection services. It’s the only way to ensure a quality job.

Motion to award a contract to Commerce Construction & Landscaping, Inc. for construction of Phase I of the Parking Lot Improvement Project at a cost of \$90,408.50, as presented.

Motion by: Mathis

Seconded: Gatesman

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

Nays: None

Absent: Krug

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Dan Zawlocki, 4520 Eleanor Drive

Mr. Zawlocki noted that the CDBG interlocal loan had been on the agenda for the past three meetings and the fact that no definite projects had been identified shows a lack of preparation on the part of the board. He is very opposed to using grant funds to improve mobile home parks owned by private individuals or firms. He would rather see the funds

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loaned to Davison Township so the board can have adequate time to come up with potential uses.

Sonya Brown, 12159 Jennings Road

Ms. Brown stated that the board's action to rezone the Wolfe property proves that the Fenton Township Residents Association must continue. She will be giving up her personal time to collect referendum petition signatures.

Lorraine Zimmer, 6391 Acorn Way

Ms. Zimmer agreed with the issues brought up by Mr. Zawlocki and Ms. Brown. She also questioned the need for a new parking lot. She believes that additional lighting may be all that is needed. Ms. Zimmer stated that she is hopeful that the board will be moving forward soon with changes to the Zoning Ordinance to address density. She wants to see effort from the board to limit development.

David Franz, 3435 Breezepointe

Mr. Franz supported the concept of having the Township engineer provide construction inspection services. It is worthwhile from a quality perspective and provides the township with "cheap insurance".

David Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft stated that he is also opposed to providing any funding to the mobile home park for improvements.

Mr. Hawcroft asked about the test wells located at the property formerly known as Fisherman's Landing. Their purpose appears to be testing for groundwater contamination that may have resulted from the fuel tanks that were once located on the property. Supervisor Mathis will investigate this matter.

Mr. Hawcroft also asked about the drainage repair on Ponemah Drive. Supervisor Mathis stated that she is still researching this issue and working on ways to resolve the problem.

Charles Mueller, 6036 Lobdell Road

Mr. Mueller supported the board's decision to commission a financial study for the Sewer Fund. He also agrees with having Rowe Incorporated oversee the parking lot construction. Mr. Mueller asked if the Township budgets had been amended and if the required financial reports had been provided to the board. Office Manager Broecker responded that the budget was amended at the 3/15/04 meeting and the first quarter financial reports were distributed to the board members during the week of April 12th.

David Spear, 3194 Ponemah Drive

Regarding the Ponemah Drive drainage issue, Mr. Spear stated that he believes the DEQ has already been involved in proposed plans to correct the problem. Supervisor Mathis will follow up with Township staff to verify.

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OTHER ISSUES:

Lake Ponemah Water Level

Trustee McDermott stated that the water level in Lake Ponemah is extremely low. It was suggested that this situation may be related to the settings on the dam in the City of Linden, or it may have been done intentionally in preparation for weed treatments.

Budget Issues

Trustee McDermott stated that he is concerned about the budget amendment that removed the \$125,000.00 appropriation from the General Fund to the Fire Fund. According to the Fire Chief, this will prevent the purchase of a new tanker truck, two squad trucks and dry hydrants. It is his understanding that the Township Board committed to this appropriation until such time the Fire Fund was self-sufficient. Office Manager Broecker clarified that the proposed budget change was discussed by the Public Safety Committee and was based on the fact that the Fire Fund was ahead of schedule relative to building cash reserves for the purchase of a new truck. Treasurer Garfield stated that the annual special assessment revenue has increased significantly since it was first implemented. The appropriation from the General Fund is no longer an absolute necessity. Trustee McDermott also questioned the status of Fire Station #3. It is his understanding that construction of the station was planned for this year to cover an area that is developing rapidly. Treasurer Garfield disagreed, stating that a new station is not needed yet. The run totals in that region of the Township do not support a third station at this time.

Wolfe Rezoning

Trustee McDermott questioned the final version of the ordinance to rezone the Wolfe property. It was his understanding that the motion to adopt the rezoning ordinance also included the items in the proposed agreement provided by the applicant. Supervisor Mathis stated that the only change to the original version of the ordinance was a reduction of the number of units from 272 to 248. She will listen to the audio tape from the meeting to verify. Trustee McDermott also stated that, because the number of units was changed, a revised first reading of the rezoning ordinance should have taken place instead of adoption. Attorney Cooley clarified that, because it is a PUD project, this type of change, especially since it reduced the density, is acceptable at second reading. Attorney Cooley added that the items included in the proposed agreement from the developer are site plan issues, rather than zoning.

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

Bonnie Mathis, Supervisor

Thomas Broecker, Deputy Clerk

Minutes Posted 4/20/04