

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF SEPTEMBER 7, 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, Gatesman, McDermott, Stiverson, Office Manager
Broecker and Attorney Cooley.

Absent: Garfield, Carmody

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Trustee McDermott asked to have the following item added to the New Business section of the agenda:

Riparian rights enforcement issues

Motion to approve the 9/7/04 Fenton Township Board Meeting agenda as amended.

Motion by: Stiverson

Seconded: Gatesman

Ayes: All Present

Nays: None

Absent: Garfield, Carmody

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 8/16/04 regular meeting and 8/26/04 workshop meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: Gatesman

Seconded: Krug

Ayes: Mathis, Krug, Gatesman, McDermott, Stiverson

Nays: None

Absent: Garfield, Carmody

Motion carried.

PUBLIC HEARINGS:

Byram Lake Improvement Special Assessment District/2nd Hearing

Supervisor Mathis opened the public hearing on the assessment roll for a 5-year renewal of the Byram Lake Improvement Special Assessment. The proposed cost is \$27,000.00 per year. There was no public comment. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-33

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

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proposed assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of defraying the costs of the weed eradication/control project proposed to be initiated within the Byram Lake Improvement 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, a record of those present to protest, and of written protests submitted at or before the public hearing was made a part of the minutes of the hearing;

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 Fenton Township Special Assessment Roll No. 2004-4 and shall hereby be confirmed as the assessment roll for the Byram Lake Improvement Special Assessment District.

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2004-4 shall be divided into five annual installments with the first installment due on or before December 1, 2004 and the following installments to be due on or before the first day of December of each year thereafter indicated.

BE IT FURTHER RESOLVED, that future due installments of an assessment against any parcel of land may be paid to the Township Treasurer at any time in full. 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 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 P.A. 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.

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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. 2004-33 as presented.

Motion by: Krug

Seconded: Stiverson

Ayes: Mathis, Krug, Gatesman, McDermott, Stiverson

Nays: None

Absent: Garfield, Carmody

Motion carried. Resolution declared adopted.

Proposed PUD Rezoning, parcel 06-22-200-004/Public Hearing & 1st Reading

Supervisor Mathis opened the public hearing on a proposed Zoning Ordinance amendment to rezone property located on the north side of Torrey Beach Drive from R-M and R-4 to PUD. It was noted that the recommendation from the Planning Commission included a reduction in units (95 to 78) and boat slips (41 to 18) from the numbers requested by the applicant.

Public Comment:

The following individuals commented on the proposed rezoning:

Dana Emmendorfer, 14282 Eastview Drive

Dianne Anderson, 14052 Landings Way

John Jackson, 14098 Landings Way

Lorraine Zimmer, 6391 Acorn Way

Lee Martorana, 4180 Four Lakes Avenue

Randy Kinne, 14216 Landings Way

Jim Fleming, 14162 Landings Way

Russ Visser, 14264 Eastview Drive

Bill Ochodnicky, 14107 Landings Way

Victor Scott, 3105 Torrey Beach Drive

Dan Zawlocki, 4520 Eleanor Drive

Guy Dzido, 14142 Eastview Drive

Tony Brown, 12159 Jennings Road

Their comments/concerns included:

- The potential for overcrowding Lake Ponemah, creating a safety hazard.
- Torrey Beach Drive is too narrow to accommodate the additional traffic.
- Enforcement of riparian rights/lake access limitations.
- Enforcement of no-wake restrictions on the channel.
- The proposed development is too dense for the area.
- A Type I well system may increase arsenic levels in the groundwater.
- The channel is too narrow to accommodate the additional boat traffic.
- 41 boat slips will make it more difficult to enforce anti-keyholing regulations.

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- The MDEQ could revoke the marina permit at some future date Lake Ponemah is determined to be overcrowded, thus eliminating lake access for the property owners.
- If the existing mobile home park on Lake Ponemah does not have access, how can this multiple development have lake access?
- The board should allow additional public comment at the second reading of the ordinance.

Developer David Lewenz introduced planner Tad Krear and attorney Eric Bean, who will present different aspects of the proposed plan. Mr. Lewenz noted that the proposed plan is the result of discussions with Township officials and lake residents and represents a significant reduction from his prior application. He also noted that he owns property on the north side of the channel. That puts the total water frontage at approximately 5,700 lineal feet, which equates to up to 57 boat slips under the Township's Zoning Ordinance. Mr. Krear briefly reviewed the conceptual plan, which includes 84 multiple units, 11 detached units and 41 boat slips. He also presented a parallel plan with 95 multiple units on the property zoned R-M. Additionally, the property zoned R-4 could accommodate up to 10 more single family units. Mr. Bean discussed the boat slip issue, stating that the request for 41 boat slips is consistent with the Zoning Ordinance requirements. Each slip would consist of a small portion of actual lake frontage land that would be owned by an individual condo owner. The boat slips would be permanently attached to the specific condominium units and could never be sold or transferred separately.

The board discussed issues relating to the length of dock space, enforcement of dock usage/lake access restrictions, marina permits, traffic concerns and lake congestion. Clerk Krug asked Mr. Lewenz if he would consider a conservation easement to guarantee that the property on the north side of the channel would never be developed. Mr. Lewenz responded that he would be agreeable to such a conservation easement, provided that an acceptable number of boat slips could be agreed upon. Clerk Krug suggested that 29 boat slips may be a reasonable compromise between 41 requested and the 18 recommended by the Planning Commission.

There was additional discussion by the board. Supervisor Mathis emphasized that the Township Board relies heavily on the input of the Planning Commission and their recommendations will be given strong consideration. The board also discussed the proposed rezoning as it relates to the existing lawsuit. Trustee McDermott suggested convening an executive session to discuss this issue.

Motion to recess the regular meeting and convene an executive session to discuss pending litigation.

Motion by: McDermott

Seconded: Stiverson

Ayes: Mathis, Krug, Gatesman, McDermott, Stiverson

Nays: None

Absent: Garfield, Carmody

Motion carried.

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The regular meeting was recessed at 9:15 p.m.

The regular meeting was reconvened at 9:45 p.m.

Supervisor Mathis stated that, based on a review of the proposed plan, input from the members of the Township Board and advice from the Township attorneys, the board is revising the proposed rezoning ordinance to include the following:

- 95 total residential units, 84 multiple and 11 detached.
- 25 boat slips (1 watercraft per slip).
- A conservation easement for the property north of the channel.
- The developer will initiate and participate in the cost of dredging shallow areas of the channel to improve navigability, subject to MDEQ requirements.
- The developer will remove dead trees and other impediments from the channel to improve navigability, (also subject to MDEQ requirements).
- The existing lawsuit will be dismissed after ordinance adoption.

As required by the Zoning Ordinance, the revised rezoning ordinance will be sent back to the Planning Commission as a communication item for their review and possible comment. The second reading of the proposed rezoning ordinance will be conducted at the 9/20/04 meeting.

REPORTS:

Genesee County WWS Sewer Capacity Utilization Report

The board briefly reviewed the Capacity Utilization Report from Genesee County Water & Waste Services.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Proposed Zoning Amendment – PUD Conditions, parcel 06-17-100-006/2nd Reading

Supervisor Mathis reviewed a proposed amendment to the Zoning Ordinance, which was introduced at the 8/16/04 meeting. The proposed amendment would revise the PUD conditions on property located at the corner of Lahring and Linden Roads.

Vic Lukasavitz of Gould Engineering, representing the applicant, briefly reviewed the plan, which reduces the density from 268 units to 207, (2.4 units per acre to 1.9). Clerk Krug asked if the headlight issue had been resolved with the property across the street from the proposed development. Mr. Lukasavitz responded that their data indicates that headlights would not shine high enough to hit the house, however Mr. Harrold plans to meet with Mr. Day (the neighboring property owner) to work this issue out. Trustee McDermott stated that he believes this proposal is still too dense. He suggested that the board initiate a rezoning of the property back to R-3 or require an additional density reduction. Supervisor Mathis noted that the proposal already eliminates 61 units from

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what was already approved for the property. Attorney Cooley stated that forcing a rezoning of the property in this manner would create significant legal problems for the Township. Trustee Gatesman agreed, noting that the original PUD rezoning, with 268 units permitted, is still in effect. This proposal represents a significant reduction.

Motion to adopt Ordinance No. 624, an amendment to the Zoning Ordinance to revise the PUD conditions for parcel 06-17-100-006, as presented.

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

Motion carried. Ordinance declared adopted.

Rezoning #R04-009, parcels 06-06-400-016 & 06-06-400-017; AG to R-1/2nd Reading

Supervisor Mathis reviewed a proposed rezoning ordinance to rezone two parcels on Sharp Road from AG to R-1. This rezoning, which was introduced at the 8/16/04 meeting, was initiated and recommended for approval by the Planning Commission to correct an earlier oversight regarding the division of the property.

Motion to adopt Ordinance No. 625, an amendment to the Zoning Ordinance to rezone parcels 06-06-400-016 and 06-06-400-017 from Ag to R-1 as presented.

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

Motion carried. Ordinance declared adopted.

Amendment to Disorderly Persons Ordinance/2nd Reading

Supervisor Mathis reviewed a proposed amendment to the recently adopted Disorderly Persons Ordinance. This amendment, which was introduced at the August 16th meeting, is intended to clarify the various provisions of the ordinance that raised concerns after its adoption. There was no further discussion.

Motion to adopt Ordinance No. 626, an amendment to Ordinance No. 623, as presented.

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

Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS-OTHER:

Proposed Amendment to WWS Livingston/Genesee Sewer Agreement

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Supervisor Mathis reviewed a request from Genesee County WWS to amend the cost estimates in the agreement to provide sewer service to a portion of Livingston County. By increasing the cost estimate contained in the agreement, the county can maintain a 7½% contingency. The Township is also being asked to approve an additional \$158,722 for the installation of 53 sewer leads as a part of the project. Supervisor Mathis is not in favor of the sewer leads due to the additional cost. Trustee McDermott disagreed, stating that installing the leads now will preserve the integrity of the sewer line by eliminating the need for multiple tap-ins after the line has been completed.

John O'Brien, Genesee County WWS Director, suggested that the board at least consider installing leads for existing properties. He will prepare revised numbers for presentation to the board at their next meeting. The board agreed to delay action on this item until the 9/20/04 meeting.

NEW BUSINESS:

Resolution No. 2004-34, Tavern License – Soups -n- More (revised)

Supervisor Mathis reminded the board of a previously adopted resolution recommending the issuance of a Tavern License for the Soups-n-More restaurant. The owner has now revised his application to include a Dance-Entertainment permit, which would allow for live music (band or DJ) and allow dancing for the customers. A new resolution has been prepared to recommend approval of the revised application. Restaurant owner Don McIntosh indicated that the music and dancing would only be on weekends and would be located in the outside courtyard/patio area. The board briefly discussed concerns relating to outdoor music but concluded that it would be a controllable situation. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-34

*WHEREAS, the Charter Township of Fenton Board of Trustees adopted Resolution No. 2004-27 on July 19, 2004, recommending the issuance of a Tavern License to **Soups -n- More, Inc.** for their restaurant located at 12272 Fenton Road, and*

*WHEREAS, **Soups -n- More, Inc.** has amended their application to the Michigan Liquor Control Commission to include a Dance-Entertainment Permit;*

*THEREFORE BE IT RESOLVED, that the request from **Soups -n- More, Inc.** for a new Tavern License with Dance-Entertainment Permit to be located at 12272 Fenton Road, Suite 6, Fenton, Michigan 48430, Fenton Township, Genesee County, in addition to prior approval already granted as per Resolution No. 2004-27 adopted on July 19, 2004, be considered for **Approval** "ABOVE ALL OTHERS".*

Motion to adopt Resolution No. 2004-34 as presented.

Motion by: Krug

Seconded: Stiverson

Ayes: Mathis, Krug, Gatesman, McDermott, Stiverson

Nays: None

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Absent: Garfield, Carmody
Motion carried. Resolution declared adopted.

Resolution No. 2004-35, Liquor License Transfer – The Brush, Inc.

Supervisor Mathis reported that the owners of the Sagebrush Cantina restaurant (formerly the Fenton Roadhouse) have applied to transfer an existing Class C Liquor License and Dance-Entertainment permit from Fenton Restaurant, LLC. Board approval by resolution is required in order for the transfer to be completed. There was no further discussion. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-35

*WHEREAS, **The Brush, Inc.** has applied to the Michigan Liquor Control Commission to transfer ownership of an existing Class C Liquor License with Dance-Entertainment Permit from **Fenton Restaurant, L.L.C.** for a business located at 14284 Fenton Road;*

*THEREFORE BE IT RESOLVED, that the request from **The Brush, Inc.** to transfer ownership of 2004 Class C licensed business with Dance-Entertainment Permit, located at 14284 Fenton Road, Fenton, Michigan 48430, Fenton Township, Genesee County, from **Fenton Restaurant, L.L.C.** be considered for **Approval**.*

Motion to adopt Resolution No. 2004-35 as presented.

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

Motion carried. Resolution declared adopted.

Resolution No. 2004-36, Public Hearing-2004 Fire Protection Special Assessmt. Roll

Supervisor Mathis reported that the second board meeting of September has been designated, by board resolution, as the public hearing date each year for the Fire Protection Special Assessment roll. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-36

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 \$481,585.00, covering all parcels of land within the Fenton Township Fire Protection Special 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

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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 September 20, 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 FURTHER RESOLVED, that the Township Clerk shall cause notice of such hearing and the filing of such assessment roll to be published in a newspaper of local circulation not less than five (5) days prior to the hearing, in accordance with the law and statute provided.

Motion to adopt Resolution No. 2004-36 as presented.

Motion by: Krug

Seconded: Stiverson

Ayes: Mathis, Krug, Gatesman, McDermott, Stiverson

Nays: None

Absent: Garfield, Carmody

Motion carried. Resolution declared adopted.

Resolution No. 2004-37, Street Lighting Special Assessment – Stony Brook Phase I

Office Manager Broecker reported that the owner of the Stony Brook condominium development has petitioned for a street lighting special assessment district for the first phase of the development. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-37

WHEREAS, the Fenton Township Board has accepted a petition from the record owners of properties within Phase I of the Stony Brook condominium development 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

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 I of the Stony Brook condominium development, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby tentatively establish the boundaries of the proposed special assessment district to include Units 1-40 of the Stony Brook condominium development, and

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BE IT FINALLY 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 September 20, 2004 at the Fenton Township Civic Community Center, beginning at 7:30 p.m.

Motion to adopt Resolution No. 2004-37 as presented.

Motion by: Krug

Seconded: Stiverson

Ayes: Mathis, Krug, Gatesman, McDermott, Stiverson

Nays: None

Absent: Garfield, Carmody

Motion carried. Resolution declared adopted.

Resolution No. 2004-38, Lake Improvement Special Assessment – Squaw Lake

Office Manager Broecker reported that the residents of Squaw Lake have petitioned for a 5-year renewal of their lake improvement special assessment. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-38

WHEREAS, the Fenton Township Board has accepted a petition from the record owners of properties with frontage on Squaw Lake to establish a special assessment district for the purpose of improving the lake through the eradication and control of aquatic weeds, and

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

WHEREAS, plans and estimated costs for the foregoing lake improvement 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 implement an aquatic weed eradication and control program for Squaw Lake, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby tentatively establish the boundaries of the proposed special assessment district to include all properties with frontage on Squaw Lake, 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 September 20, 2004 at the Fenton Township Civic Community Center, beginning at 7:30 p.m.

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Motion to adopt Resolution No. 2004-38 as presented.

Motion by: Krug

Seconded: Stiverson

Ayes: Mathis, Krug, Gatesman, McDermott, Stiverson

Nays: None

Absent: Garfield, Carmody

Motion carried. Resolution declared adopted.

Resolution No. 2004-39, Act 342 Agreement/Sewer Bond Issue

Genesee County WWS Director John O'Brien reviewed a proposed Act 342 Agreement and approving resolution for an \$8 million bond issue for the repair, rehabilitation and reconstruction of the sanitary sewer system and the purchase of capital equipment for the sewer system. These improvements are required to comply with the Administrative Consent Order issued by the MDEQ. This agreement and the resolution approving the agreement are required for the bond process to move forward. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-39

Resolution Approving Act 342 Contract and Publication of Notice Thereof

WHEREAS, the County of Genesee (the "County") has established a system of sewer and sewage disposal improvements and services known as "Genesee County Sewage Disposal System No. 3" (the "System") to serve the Charter Township of Fenton, County of Genesee, Michigan (the "Township"), and other municipalities in the County; and

WHEREAS, the Township has determined that it is immediately necessary for the health, safety and welfare of the residents of the Township that the Township acquire and construct certain improvements to the System to serve the Township as more fully described in the Financing Contract (hereinafter defined) (the "Project"); and

WHEREAS, the Township has requested the Drain Commissioner of the County, as the county agency (the "County Agency") under the provisions of Act 342, Public Acts of Michigan, 1939, as amended (the "Act"), to take the necessary steps under the Act to construct and finance the Project; and

WHEREAS, Sections 5a, 5b and 5c of the Act authorize the execution of contracts between municipal units and the designated county agency providing for the acquisition, construction, financing and operation of sewer and sewage disposal improvements; and

WHEREAS, the County Agency and the Township have negotiated a contract (the "Financing Contract") providing for the acquisition and financing of the Project, by the terms of which Financing Contract the Township is obligated to pay the cost of the Project to be financed to the County in installments as therein provided, a copy of which Financing Contract is attached to this resolution and incorporated herein by reference.

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NOW, THEREFORE, BE IT RESOLVED THAT:

1. *The Financing Contract between the County, acting by and through its County Agency, and the Township, providing for the acquisition and financing of the Project is hereby accepted and approved, and the Township Supervisor and Township Clerk are authorized and directed to execute the Financing Contract for and on behalf of the Township.*
2. *The preliminary plans and specifications for the Project as described in the Financing Contract, and the total estimated cost of the Project to be financed by the issuance of bonds in the amount of not to exceed \$8,000,000, is hereby approved.*
3. *The Township does hereby ratify and confirm its covenant in the Financing Contract to levy ad valorem taxes against all taxable property in the Township to the extent necessary to meet the obligations of the Township thereunder and does further indicate its purpose and intent to make such a levy as necessary to meet such obligations; provided, however, that such levy, if necessary, shall be within constitutional, statutory and charter tax rate limitations.*
4. *Notice of the adoption of this resolution approving the Financing Contract shall be published in the Tri-County Times, a newspaper of general circulation in the Township, in substantially the form attached hereto as Exhibit A promptly after the adoption of this resolution, as a **display advertisement at least one quarter page in size**. The Township Board hereby determines that the designated newspaper is the newspaper circulating in the Township which reaches the largest number of persons to whom the aforesaid notice is directed and that publication of the aforesaid notice in the designated newspaper represents the most practical and feasible means of informing the taxpayers and electors of the Township of the Project and the financing thereof. A copy of the Financing Contract shall be placed on file in the office of the Clerk of the Township and shall be available for public examination.*
5. *The Financing Contract shall become binding and effective upon the expiration of forty-five (45) days following the date of publication of the aforesaid notice unless under the provisions of Section 5b of the Act the effectiveness of the Financing Contract is stayed by reason of the filing of a petition for referendum thereon, in which instance the Financing Contract shall become binding and effective upon approval by a majority of the electors of the Township voting thereupon at an election called and held for that purpose.*
6. *The Township Supervisor is hereby authorized and directed to file necessary qualification information for the bonds to be issued by the County with the Michigan Department of Treasury, in accordance with Act 34, Public Acts of Michigan, 2001, as amended, or if qualification is not available, to request an order giving prior approval for the bonds, and to request any necessary waivers from the Department.*

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7. *The Supervisor, Treasurer, Clerk and Deputy Clerk are each hereby authorized to do all other acts and take all other necessary procedures required to effectuate the sale, issuance and delivery of the bonds.*
8. *The Township hereby covenants to provide or cause to be provided a continuing disclosure undertaking in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission to provide or cause to be provided certain information to each nationally recognized municipal securities information repository and to the appropriate state information repository for the State of Michigan. The Township Treasurer is authorized to execute and deliver a Continuing Disclosure Undertaking satisfying the requirements of Rule 15c2-12 in connection with the delivery of the bonds.*
9. *The Township hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the bonds from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of bond proceeds and moneys deemed to be bond proceeds.*
10. *All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.*

EXHIBIT A

**NOTICE OF INTENT TO ENTER INTO TAX-SUPPORTED
CONTRACT AND OF RIGHT TO PETITION FOR
REFERENDUM THEREON**

To The Taxpayers and Electors of the Charter Township of Fenton, County of Genesee, State of Michigan

PLEASE TAKE NOTICE that the Charter Township of Fenton (the "Township"), has adopted a resolution authorizing the execution of a contract with the County of Genesee pursuant to Act 342, Public Acts of Michigan, 1939, as amended, which contract will provide among other things that the County will acquire, construct, furnish and equip sewer system improvements to serve the Township, and will issue its bonds, in one or more series, to finance the cost of the same, and the Township will pay to the County all sums necessary to retire the principal of and interest on the bonds.

TOWNSHIP'S CONTRACT OBLIGATION

It is presently contemplated that said bonds will be issued in one or more series in the total principal amount of not to exceed \$8,000,000, will mature in not to exceed thirty (30) years from the date of issuance of each series, and will bear interest not exceeding 8% per annum on the outstanding principal balance, subject to revision in accordance

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with terms of the above contract. By virtue of said contract, the Township will be obligated to pay to the County all sums required to meet debt service payments in accordance with the above or any revised schedule as such payments fall due, and will pledge as security for such contractual obligation its full faith and credit. PURSUANT TO SUCH PLEDGE, THE TOWNSHIP WILL BE REQUIRED TO PAY THE REQUIRED SUMS FROM ITS GENERAL FUNDS OR IF NECESSARY TO LEVY AD VALOREM TAXES ON ALL TAXABLE PROPERTY WITHIN ITS BOUNDARIES, SUBJECT TO APPLICABLE CONSTITUTIONAL, STATUTORY AND CHARTER TAX RATE LIMITATIONS, TO THE EXTENT NECESSARY TO MAKE THE REQUIRED PAYMENTS TO THE COUNTY IF OTHER FUNDS FOR SUCH PURPOSE ARE NOT AVAILABLE.

RIGHT OF REFERENDUM

The aforesaid Contract will be executed by the Township and WILL BE EFFECTIVE WITHOUT VOTE OF THE ELECTORS, AS PERMITTED BY LAW, UNLESS A PETITION REQUESTING AN ELECTION ON THE EFFECTIVENESS THEREOF, SIGNED BY NOT LESS THAN 10% OR 15,000 OF THE REGISTERED ELECTORS OF THE TOWNSHIP, WHICHEVER IS THE LESSER, IS FILED WITH THE TOWNSHIP CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. If such petition is so filed, the contract cannot be effective without an approving vote by a majority of electors of the Township voting on the question.

THIS NOTICE is given pursuant to the requirements of Section 5b of Act No. 342, Public Acts of Michigan, 1939, as amended. Further information concerning the details of said contract and the matters set out in this notice may be secured from the Township Clerk's office.

*Robert E. Krug
Township Clerk, Charter Township of Fenton*

Motion to adopt Resolution No. 2004-39 as presented.

Motion by: Krug

Seconded: Stiverson

Ayes: Mathis, Krug, Gatesman, McDermott, Stiverson

Nays: None

Absent: Garfield, Carmody

Motion carried. Resolution declared adopted.

Riparian rights enforcement issues

Trustee McDermott asked that this issue be delayed until the next meeting.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Lorraine Zimmer, 6391 Acorn Way

Ms. Zimmer suggested that the board consider requiring all condominium developments to utilize management companies to administer/enforce by-laws and regulations.

Tony Brown, 12159 Jennings Road

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF SEPTEMBER 7, 2004**

Mr. Brown asked when the sewer project for Livingston County was approved. It was confirmed that the agreement was approved in 2003. It was also confirmed that Livingston County customers will use new sewer lines, not existing ones servicing Fenton Township.

Mr. Brown also questioned the zoning amendment approved this evening for the property at Linden and Lahring Roads. He is concerned about the impact of this development on schools, roads, etc. It was clarified that the property had been rezoned to PUD with up to 268 units in 2001. Mr. Harrold's proposed project reduces the number of units to 207. While this density is higher than would likely be approved today, it is significantly lower than what was already approved for the property.

ADJOURN: Meeting adjourned at 10:55 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 9/8/04