

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF SEPTEMBER 20, 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, Stiverson, Office Manager Broecker and
Attorney Cooley.

Absent: Garfield, Gatesman, McDermott

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 9/20/04 Fenton Township Board Meeting agenda as presented.

Motion by: Stiverson

Seconded: Krug

Ayes: All Present

Nays: None

Absent: Garfield, Gatesman, McDermott

Motion carried. The agenda is approved.

PRESENTATIONS:

ACI Finance, Inc. – Sewer Fund Analysis and Rate Study

Supervisor Mathis introduced Tom Traciak of ACI Finance, Inc. ACI recently completed an analysis of the Township's Sewer Fund, along with a rate study. Mr. Traciak presented an overview of the report, indicating that the Sewer Fund is generally in sound financial condition, despite the high costs anticipated over the next few years as the Township repairs and upgrades much of its system. ACI is also recommending a change to the methodology for charging connections fees. Rather than a standard connection fee plus a surcharge for previously unassessed properties, the recommendation is to implement a direct connection fee for connections directly to existing Township sewers and an indirect fee for homes in new developments where the developer is constructing sewer mains that will ultimately be connected to the existing Township lines and turned over to the Township. The recommended fees are \$7,600 and \$5,800 for direct and indirect connections fees, respectively. This methodology is consistent with industry standards and would put the Township in a stronger position if the fees are challenged legally. Mr. Traciak also stated that the current user charges appear to be adequate, although if new connections fall short of projections, the user charges may have to be increased at some point. Mr. Traciak stated that the user charges should be reviewed at least once each year. Connection fees should be increased 3% each year and/or reviewed every 3 years. The board thanked Mr. Traciak for the report. Trustee Carmody stated that he is very pleased with the study. It gives the Township a solid basis for our fee structure and provides the tools to internally re-evaluate the Sewer Fund on a regular basis. Office Manager Broecker pointed out that the proposed amendment to the Sewer System Ordinance on this evening's agenda includes the recommended changes to the connection fee structure.

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Genesee County Land Bank Brownfield Plan

Supervisor Mathis announced that, due to a family emergency, Trustee Stiverson must leave no later than 9:00 p.m., which would leave the board without a quorum. In the interest of time, this item will be moved to the end of the New Business portion of the agenda and will be taken up tonight if time permits.

MEETING MINUTES:

The minutes of the 9/7/04 regular meeting and 9/7/04 executive session stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

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

Motion carried.

PUBLIC HEARINGS:

Stony Brook I Street Lighting Special Assessment District/1st Hearing

Supervisor Mathis opened the public hearing on a proposed special assessment for street lighting in Phase I of the Stony Brook condominium development. There was no public comment. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-41

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 20th day of September 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 Stony Brook I 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 I of the Stony Brook condominium development as prepared and presented, and the estimated costs thereof of \$1,100.00 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 Stony Brook I Street Lighting Special Assessment District, within which the costs of such improvements shall be assessed, the following described area within said township:

Units 1-40 of the Stony Brook Condominium Development

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 her certificate stating that it was made pursuant to this Resolution and that in making such assessment roll, she has, according to her best judgment, conformed in all respects to the directions contained in this Resolution and the applicable state statutes.

Motion to adopt Resolution No. 2004-41 as presented.

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

Motion carried. Resolution declared adopted.

Supervisor Mathis stated that, in anticipation of adoption of the previous resolution, a special assessment roll has been created, certified and submitted to the Township Clerk. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-42

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 \$1,100.00 per year (\$1,751.24 in the first year), covering all parcels of land within the Stony Brook I

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Street Lighting Special Assessment District, and has affixed thereto her 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 October 4, 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 Stony Brook I 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. 2004-42 as presented.

Motion by: Krug

Seconded: Stiverson

Ayes: Mathis, Krug, Carmody, Stiverson

Nays: None

Absent: Garfield, Gatesman, McDermott

Motion carried. Resolution declared adopted.

Squaw Lake Improvement Special Assessment District/1st Hearing

Supervisor Mathis opened the public hearing on a proposed 5-year renewal of the Squaw Lake Improvement special assessment. The annual cost is approximately \$8,200.00. There was no public comment. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-43

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 lake improvement 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

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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 20th day of September 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;

THEREFORE BE IT RESOLVED, that the Fenton Township Board does hereby determine that the petitions for the Squaw Lake Improvement 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 improvement of Squaw Lake through the control and/or eradication of aquatic weeds as prepared and presented, and the estimated costs thereof of \$8,212.80 per year for five years, 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 Squaw Lake Improvement Special Assessment District, within which the costs of such improvements shall be assessed, the following described area within said township:

All properties with frontage on or direct access to Squaw Lake

BE IT FURTHER 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 her certificate stating that it was made pursuant to this Resolution and that in making such assessment roll, she has, according to her best judgment, conformed in all respects to the directions contained in this Resolution and the applicable state statutes.

Motion to adopt Resolution No. 2004-43 as presented.

Motion by: Mathis

Seconded: Stiverson

Ayes: Mathis, Krug, Carmody, Stiverson

Nays: None

Absent: Garfield, Gatesman, McDermott

Motion carried. Resolution declared adopted.

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Supervisor Mathis stated that, in anticipation of adoption of the previous resolution, a special assessment roll has been created, certified and submitted to the Township Clerk. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-44

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 \$9,013.76 for 2004 and \$8,213.76 per year for the years 2005 through 2008 inclusive, covering all parcels of land within the Squaw Lake Improvement Special Assessment District, and has affixed thereto her 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 October 4, 2004 at 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 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 Squaw Lake Improvement 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. 2004-44 as presented.

Motion by: Krug

Seconded: Stiverson

Ayes: Mathis, Krug, Carmody, Stiverson

Nays: None

Absent: Garfield, Gatesman, McDermott

Motion carried. Resolution declared adopted.

Fenton Township Fire Protection Special Assessment/Assessment Roll Hearing

Supervisor Mathis opened the public hearing on the 2004 Fenton Township Fire Protection Special Assessment Roll. The annual assessment remains unchanged at \$65.00 per parcel. There was no public comment. Clerk Krug presented the following resolution:

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RESOLUTION NO. 2004-45

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 raising money by special assessment for furnishing fire protection and purchasing and housing equipment, and for the operation of same, and

WHEREAS, such public hearing was preceded by a notice published in a newspaper of general circulation in the Township, and

WHEREAS, no written objections were received to said roll and levy;

WHEREAS, all present at said public hearing were given the opportunity to be heard in the matter, and

WHEREAS, subsequent information obtained indicated the reasonableness of the following amendments to said assessment roll:

Due to the removal of qualified real property from assessment roll, the total for the special assessment roll is revised to \$478,855.00.

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 shall hereafter be designated as the Fenton Township Special Assessment Roll No. 2004-5 and shall hereby be confirmed as the assessment roll for the Fenton Township Fire Protection Special Assessment District, and

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2004-5 shall be due and payable on December 1, 2004, and

BE IT FURTHER RESOLVED, if any special assessment is not paid when due, then the special assessment 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 being reported to the Township Board for reassessment upon the Township tax roll, in accordance with Michigan Public Act 188 of 1954, as amended, and

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

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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. 2004-45 as presented.

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

Motion carried. Resolution declared adopted.

REPORTS:

Public Safety Committee Update

Trustee Carmody reported that the Fire Department will be purchasing new equipment to launder/recondition fire department gear. He also reported that new light bars and radar guns are being ordered for the Sheriff Department patrol cars. Both purchases are within the approved budgets.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Rezoning #R04-007, Lewenz Development, 06-22-200-004; R-M & R-4 to PUD/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 rezone property located north of Torrey Beach Drive from R-M and R-4 to PUD. After considerable discussion at the first reading, the board revised the PUD conditions to include 95 total units and 25 boats slips. As required by the Zoning Ordinance, the changes were referred back to the Planning Commission, who chose not to make further comment. Clerk Krug questioned the conservation easement language in the PUD conditions. Attorney Cooley confirmed that the property north of the channel would be subject to a conservation easement, however the property south of the channel, while designated as open space, did not require a formal conservation easement. There was no further discussion.

Motion to adopt Ordinance No. 627, an amendment to the Zoning Ordinance to rezone parcel 06-22-200-004 from R-M and R-4 to PUD, as presented.

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

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Motion carried. Ordinance declared adopted.

Amendment to Sewer System Ordinance/1st Reading

Supervisor Mathis introduced a proposed amendment to the existing Sewer System ordinance. The amendment revises the fee structure for connection fees, as recommended by ACI Finance, clarifies language related to user charges, and addresses in more detail situations where manholes are buried.

The second reading of the proposed ordinance will be conducted at the 10/4/04 meeting.

UNFINISHED BUSINESS-OTHER:

Proposed Amendment to WWS Livingston/Genesee Sewer Agreement

Due to the time constraints on this meeting, Supervisor Mathis announced that this issue would be postponed until the 10/4/04 meeting.

NEW BUSINESS:

Resolution No. 2004-46, GCRC Permit for LFHS Homecoming Parade

Supervisor Mathis reported that Lake Fenton High School wishes to hold their annual Homecoming Parade along Torrey Road between Lahring and North Long Lake Roads. The Genesee County Road Commission requires the Township Board to authorize the appropriate application and the appropriate resolution has been prepared for Township Board consideration.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-46

WHEREAS, Lake Fenton High School wishes to make application to the Genesee County Board of Road Commissioners for a permit to hold a Homecoming Parade within the road right-of-way of Torrey Road, and

WHEREAS, approval of the local unit of government, by resolution, is required to obtain said permit;

NOW, THEREFORE, BE IT RESOLVED, that Lake Fenton High School is hereby authorized to make application to the Genesee County Road Commission on behalf of the Charter Township of Fenton in the county of Genesee, Michigan for the necessary permit(s) to:

Hold a Homecoming Parade on Friday October 8, 2004, between the hours of 4:00 p.m. and 6:00 p.m.

within the right-of-way of Torrey Road, between North Long Lake Road and Lahring Road, as requested.

Motion to adopt Resolution No. 2004-46 as presented.

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

Resolution No. 2004-47, Petition for Extension of Indian Creek Drain

Due to the time constraints on this meeting, Supervisor Mathis announced that this issue would be postponed until the 10/4/04 meeting.

Election Commission Meeting – 10/4/04 @ 7:00 p.m.

Clerk Krug announced that the Fenton Township Election Commission will meet on Monday October 4, 2004 at 7:00 p.m. (just prior to the regular Township Board meeting), to formally appoint election inspectors for the November 2, 2004 General Election.

Genesee County Land Bank Brownfield Plan

Supervisor Mathis announced that this issue would be discussed “informally” after adjournment of the meeting. The proposed resolution will be placed on the 10/4/04 meeting agenda.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Supervisor Mathis announced that public comment would be conducted on an informal basis after adjournment of the meeting.

ADJOURN: Meeting adjourned at 8:47 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 9/21/04