

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF OCTOBER 4, 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, Office Manager Broecker and  
Attorney Cooley.

Absent: Krug, McDermott, Stiverson

**PLEDGE OF ALLEGIANCE:**

Supervisor Mathis led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Supervisor Mathis reported that the property owner on the proposed Ripley Road rezoning has requested postponement due to only four board members being present. She also asked to have the Indian Creek Drain issue removed from the agenda, pending investigation of further options. Trustee Carmody asked to remove the storage space rental issue until more board members are present. Motion to approve the 10/4/04 Fenton Township Board Meeting agenda as amended.

Motion by: Gatesman

Seconded: Garfield

Ayes: All Present

Nays: None

Absent: Krug, McDermott, Stiverson

Motion carried. The agenda is approved.

**PRESENTATIONS:**

**Steve Robinson – Candidate for State Representative**

Supervisor Mathis introduced Steve Robinson, Democratic candidate for State Representative in the 51<sup>st</sup> District. Mr. Robinson, a Mott Community College professor, spoke briefly regarding his candidacy.

**Genesee County Drain Commissioner Jeff Wright – WWS District 3 Update**

Supervisor Mathis introduced Drain Commissioner Jeff Wright. Mr. Wright began by once again thanking the board for Fenton Township's continuing efforts to rehabilitate and upgrade the sanitary sewer system. He then briefly discussed the history of the District 3 treatment plant. Prior to the construction of sanitary sewers in the 1960's, the lakes and streams in the Fenton area had become quite polluted because of the reliance on septic systems. The construction of the sewer system and treatment plant cleaned up the entire region. Mr. Wright also addressed four topics that had been the subject of media coverage in recent months, some of which was less than accurate.

1. The inclusion of part of Livingston County in District 3.

Mr. Wright made it clear that including portions of Livingston County in District 3 has been a part of the long-term plan for this region for many years. This regional approach makes sense because these areas are a part of the same watershed as the other District 3 communities. The fact that the district will now cross political boundaries is not significant.

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2. Odor concerns near the treatment plant.

The fact that the plant is expanding to handle more capacity does not equate to an increased odor problem. Genesee County has spent a substantial amount of money to implement odor control measures. Reports indicate that the odor problem has improved, however Mr. Wright cautioned that the odors cannot be completely eliminated.

3. The location of the treatment plant relative to residential neighborhoods.

Mr. Wright noted that the location for the treatment plant was chosen in the 1960's because it is on the Shiawassee River, it's relatively low, thereby more conducive to gravity sewer lines, and because it was not near any residential development. The Township's decision years ago to rezone adjacent property from Agricultural to residential was probably not prudent planning.

4. Future needs for public water.

Because of the high rate of development in the southern part of Genesee County over the past 10-15 years, the groundwater resources need to be looked at closely. Mr. Wright believes that it is vital that the Township address the present and future water needs in Fenton Township very soon.

Supervisor Mathis asked Drain Commissioner Wright about the recent problem related to the dewatering process in the plant expansion project. Mr. Wright confirmed that the dewatering process resulted in temporary low water pressure for several nearby homes that have very shallow wells. They are now looking at options to complete the project that will minimize the impact on neighboring wells. Mr. Wright suggested that the Township adopt a minimum well depth requirement to prevent situations like this, and to lower the risk of groundwater contamination. Supervisor Mathis stated that an ordinance amendment regarding well depths is already in process, but the Township will seek input from the Drain Commissioner's office. Trustee Carmody emphasized the need to work together with the County agencies and neighboring communities to protect our groundwater resources. Mr. Wright suggested a "summit" meeting of all area communities to address water issues in general.

Public Comment:

Kurt Palo, 14388 Oak Leaf Trail

Mr. Palo asked about the long term affects of the dewatering operation. Mr. Wright confirmed that the dewatering wells would be removed as soon as the construction of the wet well is completed. There will be no long-term affects.

John Hugener, 6396 Acorn Way

Mr. Hugener stated that most of the odor problems were created by the removal of planned improvements from a prior project by the previous Drain Commissioner. He believes Mr. Wright has kept his word in improving the situation.

Lorraine Zimmer, 6391 Acorn Way

Ms. Zimmer stated that many residents purchased property near the treatment plant based on misleading promises from former Drain Commissioner Ken Hardin that the odors

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would be eliminated. She also believes more can be done with the landscaping around the treatment plant.

Drain Commissioner Wright offered to meet with residents of the River Oaks Hollow development to further discuss any issues. He also emphasized that the odors can be controlled only to a certain degree. 100% elimination of odor is not possible and anyone promising that is lying. Supervisor Mathis believes that the Township has established an excellent working relationship with good communications with the Drain Commissioner's office. We will continue to work together to resolve issues. The board thanked Drain Commissioner Wright for attending tonight's meeting.

**MEETING MINUTES:**

The minutes of the 9/20/04 regular meeting stand approved as presented.

**EXPENDITURES:**

Motion to approve expenditures as presented.

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

Motion carried.

**PUBLIC HEARINGS:**

**Stony Brook I Street Lighting Special Assessment District/2<sup>nd</sup> Hearing**

Supervisor Mathis opened the public hearing on the assessment roll for a street lighting special assessment district for Phase I of the Stony Brook condominium development. There was no public comment. Office Manager Broecker presented the following resolution:

**RESOLUTION NO. 2004-48**

*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 Stony Brook 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*

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*WHEREAS, no written objections were received to said roll and levy, 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 the Fenton Township Special Assessment Roll No. 2004-6 and shall hereby be confirmed as the assessment roll for the Stony Brook I Street Lighting Special Assessment District.*

*BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2004-6 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 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. 2004-48 as presented.

Motion by: Mathis

Seconded: Gatesman

Ayes: Mathis, Garfield, Carmody, Gatesman

Nays: None

Absent: Krug, McDermott, Stiverson

Motion carried. Resolution declared adopted.

**Squaw Lake Improvement Special Assessment District/2<sup>nd</sup> Hearing**

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

**RESOLUTION NO. 2004-49**

*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 weed eradication/control project proposed to be initiated within the Squaw 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. 2004-7 and shall hereby be confirmed as the assessment roll for the Squaw Lake Improvement Special Assessment District.*

*BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2004-7 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*

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*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.*

*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. 2004-49 as presented.

Motion by: Mathis

Seconded: Garfield

Ayes: Mathis, Garfield, Carmody, Gatesman

Nays: None

Absent: Krug, McDermott, Stiverson

Motion carried. Resolution declared adopted.

**REPORTS:**

**Fenton Area Cable Television (FACT) Consortium Update**

Trustee Carmody reported that the Township's grant application for television broadcasting equipment should be acted upon in November. Once approved, the equipment can be purchased that will allow the Township to televise public meetings.

**Tree Preservation**

Supervisor Mathis distributed copies of a recent newspaper article regarding saving trees in newly developed areas. The Township will be working on an ordinance regarding tree preservation.

**COMMUNICATIONS:**

**Household Hazardous Waste Collection Day**

Supervisor Mathis announced that a Household Hazardous Waste Collection Day has been scheduled for Saturday October 9, 2004 from 10:00 a.m. to 2:00 p.m. The three collections sites are: Flint Water Service Center on Court Street, Kearsley High School and Linden Middle School.

**UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:**

**Amendment to Sewer System Ordinance/2<sup>nd</sup> Reading**

Supervisor Mathis reviewed a proposed amendment to the existing Sewer System ordinance, which was introduced at the 9/20/04 meeting. The amendment revises the fee structure for connection fees, as recommended by ACI Finance, clarifies language related

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to user charges, and addresses in more detail situations where manholes are buried. There was no further discussion.

Motion to adopt Ordinance No. 628, an amendment to Sewer System Ordinance No. 615, as presented.

Motion by: Carmody

Seconded: Gatesman

Ayes: Mathis, Garfield, Carmody, Gatesman

Nays: None

Absent: Krug, McDermott, Stiverson

Motion carried. Ordinance declared adopted.

**Rezoning #R04-011, Fenton Twp. Planning Commission, parcel 06-17-200-013  
(13200 Ripley Road); PUD to R-3/1<sup>st</sup> Reading**

Postponed to 10/18/04

**UNFINISHED BUSINESS-OTHER:**

**Rental of Storage Space for Sewer Equipment – Claire Properties, Inc.**

Postponed.

**Proposed Amendment to WWS Livingston/Genesee Sewer Agreement**

Supervisor Mathis reviewed the proposed amendment to the Livingston/Genesee Sewer Agreement, which was discussed at a previous board meeting. She also briefly reviewed the construction schedule for the project. Genesee County is asking the Township to approve a higher project estimate in order to maintain a 7½% contingency. They are also recommending the addition of approximately 32 leads to the project to provide sewer to existing homes not currently connected. This would preserve the integrity of the sewer line by eliminating the need for future “saddle taps”.

Office Manager Broecker presented the following resolution:

**RESOLUTION NO. 2004-29**

*WHEREAS, the Fenton Township Board previously entered into an agreement with Livingston County and Genesee County to construct an interceptor sewer located along Hogan and Lobdell Roads (the “Agreement”), and*

*WHEREAS, at the request of Fenton Township, the installation of sewer leads was added to the interceptor project, and*

*WHEREAS, because of increases to the total cost of the project, including the addition of sewer leads, the Genesee County Drain Commissioner has requested that Fenton Township formally approve the expense for the cost of the sewer leads and also authorize an increase to the cost estimate contained in the Agreement in order to maintain an adequate contingency reserve, and*

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*WHEREAS, the Genesee County Drain Commissioner has prepared a revised "Exhibit B" of the agreement to be approved by Fenton Township.*

*THEREFORE BE IT RESOLVED, that the Fenton Township Board hereby approves the revised "Exhibit B" for the Agreement, including the \$100,623.00 cost increase for the installation of sewer leads and the project cost estimate increase from \$1,651,891 to \$1,981,891, as recommended by the Genesee County Drain Commissioner.*

Motion to adopt Resolution No. 2004-29 as presented.

Motion by: Gatesman

Seconded: Carmody

Ayes: Mathis, Garfield, Carmody, Gatesman

Nays: None

Absent: Krug, McDermott, Stiverson

Motion carried. Resolution declared adopted

**Resolution No. 2004-40, Genesee County Land Bank Brownfield Plan**

Supervisor Mathis stated that Genesee County Treasurer Dan Kildee presented an overview of the County's Brownfield Redevelopment Plan after the official adjournment of the 9/20/04 meeting.. Tax-reverted properties currently not on the tax roll are now considered to be "brownfields" under the law. By adopting a resolution to include 3 such properties in Fenton Township in the plan, the County can use grant funds to clean up properties, clear up title issues and hopefully sell the property so it can once again generate tax revenues.

Office Manager Broecker presented the following resolution:

**RESOLUTION NO. 2004-40**

*WHEREAS, the Genesee County Board of Commissioners, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has established the Genesee County Brownfield Redevelopment Authority ("GCBRA") to facilitate the cleanup and redevelopment of Brownfields within Genesee County's communities, and*

*WHEREAS, certain properties located on Shiawassee Shores, Restwood Drive and Crane Road, Tax Parcel Identification Numbers 06-22-400-021, 06-30-100-013 & 06-14-100-005 (the "Property") is within the County of Genesee and the Charter Township of Fenton and is Eligible Property as that term is defined under Michigan's Brownfield Redevelopment Financing Act because it is owned or under the control of the Genesee County Land Bank Fast Track Authority, and*

*WHEREAS, a Brownfield redevelopment plan for the Genesee County Land Bank Fast Track Authority Redevelopment Project (the "Plan") has been proposed that will restore the environmental and economic viability of the Property, and*

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*WHEREAS, the GCBRA, pursuant to and in accordance with Section 13 of the Act, shall consider recommending that the Genesee County Board of Commissioners approve the Plan to be carried out within Genesee County relating to the redevelopment of the Property, and*

*WHEREAS, following appropriate notice to the public, the Charter Township of Fenton Board of Trustees considered the matter during a regular meeting on September 20, 2004 at 7:30 p.m. held at the Fenton Township Civic Community Center;*

*THEREFORE BE IT RESOLVED, with respect to the Property located within the Charter Township of Fenton, the Township Board has reviewed the Plan and hereby concurs with the provisions of the Plan, and*

*BE IT FURTHER RESOLVED, that the Township Board hereby consents to the approval of the Plan by the Genesee County Board of Commissioners and the implementation of the Plan by the Genesee County Brownfield Redevelopment Authority, and*

*BE IT FURTHER RESOLVED, that should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part declared to be invalid, and*

*BE IT FINALLY RESOLVED, that all resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.*

Motion to adopt Resolution No. 2004-40 as presented.

Motion by: Mathis

Seconded: Garfield

Ayes: Mathis, Garfield, Carmody, Gatesman

Nays: None

Absent: Krug, McDermott, Stiverson

Motion carried. Resolution declared adopted.

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

Postponed.

**Request for Tavern License w/Dance-Entertainment Permit, Soups -n- More**

Supervisor Mathis stated that, in response to the concerns raised at the 9/20/04 meeting, the issue of the application of the Soups -n- More restaurant to obtain a Tavern License and Dance-Entertainment Permit from the State of Michigan is being reconsidered. The Michigan Liquor Control Commission has been directed to put this application on hold until the Township has the opportunity to review it further. Supervisor Mathis added that the planned expansion of the establishment that was mentioned in a newspaper article was never made known to the Township Board. Public comment will be taken tonight in

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an effort to determine the best course of action. Supervisor Mathis read a letter from *Soups -n- More* owner Don McIntosh, indicating that he is willing to establish limited hours for live entertainment. Office Manager Broecker reported that the Liquor Control Commission has indicated that a private agreement between the business owner and the Township, (regarding hours of operation, etc.), does not violate any law or state regulation, and would be legally enforceable by the Township.

Public Comment:

The following individuals spoke in opposition of the application:

Neil Schatz, 1418 Eden Gardens  
Steve McGowan, 1392 Eden Gardens  
Darrin Walker, 1402 Eden Gardens

Their comments/concerns included:

- Live music late at night would be disruptive to neighboring properties.
- A tavern with or without live music is not appropriate for this location due to the proximity of a residential subdivision.
- The enforceability of any agreed-upon time limits.
- Neighboring property owners should be notified in advance of any similar applications.

Supervisor Mathis stated that, in her opinion, no further public comment was necessary. She is prepared to adopt a resolution recommending denial of the application. Office Manager Broecker presented the following resolution:

**RESOLUTION NO. 2004-51**

*WHEREAS, the Charter Township of Fenton Board of Trustees has previously adopted a resolution 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.** subsequently amended their application to the Michigan Liquor Control Commission to include a Dance-Entertainment Permit, and*

*WHEREAS, after reconsidering the issue, the Fenton Township Board believes that a Tavern License with Dance-Entertainment Permit would not be appropriate for the subject location;*

*THEREFORE BE IT RESOLVED, that Resolution No. 2004-27 and Resolution No. 2004-34 are hereby rescinded, and*

*BE IT FURTHER RESOLVED, that the request from **Soups -n- More, Inc.** for a new Tavern License with Dance-Entertainment Permit to be located at 12272 Fenton*

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*Road, Suite 6, Fenton, Michigan 48430, Fenton Township, Genesee County, be considered for **Disapproval**.*

Motion to adopt Resolution No. 2004-51 as presented.

Motion by: Mathis

Seconded: Garfield

Ayes: Mathis, Garfield, Carmody, Gatesman

Nays: None

Absent: Krug, McDermott, Stiverson

Motion carried. Resolution declared adopted.

**NEW BUSINESS:**

**Resolution No. 2004-50, Sewer Bond Refunding Contract**

Office Manager Broecker reported that Genesee County is proposing to refinance or “re-fund” an existing bond issue to take advantage of lower interest rates. The bonds in question were issued by Genesee County in 1996 on behalf of Fenton Township and the cities of Fenton and Linden, with an average interest rate around 6%. Because of lower interest rates, a significant cost reduction can be realized by refunding these bonds. The appropriate contract and adopting resolution has been prepared and provided for Township Board consideration.

Office Manager Broecker presented the following resolution:

**RESOLUTION NO. 2004-51**

*WHEREAS, pursuant to Act 342, Public Acts of Michigan, 1939, as amended (“Act 342”), 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 (the “Township”), and other municipalities in the County; and*

*WHEREAS, pursuant to Act 342, the Genesee County Board of Commissioners has designated the Genesee County Drain Commissioner as the County Agency (the “County Agency”) for the supervision and control of the management and operation of the System; and*

*WHEREAS, pursuant to Act 342, the County through the County Agency, and the Township, the City of Linden and the City of Fenton (the Township, the City of Linden and the City of Fenton hereinafter referred to collectively as the “Local Units”) entered into the Genesee County Sewage Disposal System No. 3 1996 Improvements Contract, dated as of January 1, 1996 (the “Contract”), for the purpose of acquiring and constructing improvements to the System, as more particularly described in the Contract; and*

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*WHEREAS, pursuant to the Contract and Act 342, the County issued its Sewage Disposal System No. 3 Bonds, Series 1996A, dated March 1, 1996, in the aggregate original principal amount of \$17,445,000 (the "1996 Bonds"); and*

*WHEREAS, the 1996 Bonds maturing April 1, 2007 and thereafter are subject to optional redemption (the 1996 Bonds subject to optional redemption hereinafter referred to as the "Prior Bonds"); and*

*WHEREAS, the County and the Local Units have been advised that conditions in the bond market have now improved to the point that all or a portion of the Prior Bonds could be refunded at a savings; and*

*WHEREAS, Part VI of Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), permits the County to refund all or part of its outstanding securities; and*

*WHEREAS, the County Agency and the Local Units have determined that it is in the best interests of the Local Units and the County to refund all or part of the Prior Bonds through the issuance by the County of refunding bonds (the "Refunding Bonds"); and*

*WHEREAS, a Refunding Contract (the "Refunding Contract") has been prepared pursuant to the authority of Act 342 and Act 34 providing for the implementation of such refunding program and for other details in connection therewith, said Refunding Contract being attached hereto as Exhibit A and made a part hereof.*

**NOW, THEREFORE, BE IT RESOLVED THAT:**

- 1. The Refunding Contract among the County of Genesee, by and through its County Agency, the Township, the City of Fenton and the City of Linden is hereby accepted and approved, and the Township Supervisor and Township Clerk are authorized and directed to execute and deliver the Refunding Contract for and on behalf of the Township.*
- 2. The Township does hereby ratify and confirm its covenant in the Refunding 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 annually as necessary to meet the Township's obligations under the Refunding Contract; provided, however, that such levy, if necessary, shall be within constitutional, statutory and charter tax rate limitations.*
- 3. The Refunding Contract shall become binding and effective upon satisfaction of the conditions described in Section 15 of the Refunding Contract.*
- 4. The Township Supervisor is hereby authorized and directed to file necessary qualification information for the Refunding Bonds with the Michigan Department*

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*of Treasury in accordance with Act 34, or if qualification is not available, to request an order giving prior approval for the Refunding Bonds, and to request any necessary waivers from the Department.*

5. *The Supervisor, Treasurer, Clerk and Deputy Clerk are each hereby authorized to execute on behalf of the Township any closing documents or certificates as may be required by the County or the underwriter of the Refunding Bonds and to do all other acts and take all other necessary procedures required to effectuate the sale, issuance and delivery of the Refunding Bonds.*
6. *The Township Supervisor is hereby authorized to approve the circulation of a preliminary official statement and a final official statement describing the Township and the Refunding Bonds and to sign a preliminary official statement and a final official statement on behalf of the Township.*
7. *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 depository for the State of Michigan. The Township Supervisor and Treasurer are each individually authorized to execute and deliver a Continuing Disclosure Undertaking satisfying the requirements of Rule 15c2-12 in connection with the delivery of the Refunding Bonds.*
8. *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 Refunding 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 Refunding Bond proceeds and moneys deemed to be Refunding Bond proceeds.*
9. *All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.*

Motion to adopt Resolution No. 2004-50 as presented.

Motion by: Carmody

Seconded: Garfield

Ayes: Mathis, Garfield, Carmody, Gatesman

Nays: None

Absent: Krug, McDermott, Stiverson

Motion carried. Resolution declared adopted.

**Change Location of 10/18/04 Township Board Meeting to LFHS**

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The board discussed a suggestion to hold the next meeting at Lake Fenton High School as a way to showcase their new facility.

Motion to conduct the October 18, 2004 Fenton Township Board meeting at the Lake Fenton High School auditorium.

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

Motion carried.

**Proposed 3<sup>rd</sup> Quarter Budget Amendments**

Office Manager Broecker reviewed proposed amendments to the 2004 budget. There are no proposed amendments to the Solid Waste Management or Mosquito Control Funds. There are several recommended amendments to the General Fund and Fire Fund, however the net effect of those changes is relatively small. The Sewer Fund has been changed to reflect its status as a financial projection, rather than a true "budget". Cost estimates have been updated to reflect current projections. There was no further discussion.

Motion to adopt amendments to the 2004 Fenton Township Budget as presented.

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

Motion carried.

**Planning Commission Resignation**

Supervisor Mathis announced that Ken Hill had submitted a letter of resignation from the Fenton Township Planning Commission. She added that Mr. Hill was very devoted to his duties as a Planning Commissioner and did an excellent job for the Township. He will most definitely be missed.

Motion to accept, with regrets, the resignation of Ken Hill from the Fenton Township Planning Commission.

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

Motion carried.

**Proposed Revisions to Schedule of Fees**

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF OCTOBER 4, 2004**

Office Manager Broecker reviewed proposed changes to the Township's fee schedule. The only changes are the revisions to the sewer connection fees, as recommended by ACI Finance, Inc, and as outlined in the Sewer System Ordinance amendment adopted earlier this evening. There was no further discussion.

Motion to adopt revisions to the Fenton Township Schedule of Fees as presented, with revisions to sanitary sewer connection fees being based on the Sewer Fund Analysis and Rate Study provided by ACI Finance, Inc., and the recommendations contained therein.

Motion by: Gatesman

Seconded: Carmody

Ayes: Mathis, Garfield, Carmody, Gatesman

Nays: None

Absent: Krug, McDermott, Stiverson

Motion carried.

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

Paul Sharp, 4425 Thompson Road

Mr. Sharp asked if the agenda could also be posted on the front of the Township Hall when it has been prepared. Supervisor Mathis that the Township will begin posting the agenda in this manner for the next meeting.

Tom Richard, 12425 Jennings Road

Mr. Richard suggested that the meeting to be held at the Lake Fenton High School should be well publicized to minimize confusion.

Kirsten Hawes, 4282 Owen Road

Ms. Hawes provided information on upcoming watershed and lake-related seminars. She encourage the board to attend if possible. She also suggested that the board consider establishing an Environmental Review Board to deal with issues like well depths, drainage, fertilizer application, etc.

Lorraine Zimmer, 6391 Acorn Way

Ms. Zimmer stated that she would like the Township to publish meeting agendas in the local paper. Supervisor Mathis and Trustee Carmody noted that the agenda is not finalized until after publication deadlines. Publishing the agenda in this manner does not appear to be feasible, however it is posted on the website four days prior to the meeting.

Dan Zawlocki, 4520 Eleanor Drive

Mr. Zawlocki stated that he would like to see more information on the agendas to make them more easily understood. He also supported the suggestion of Ms. Hawes, encouraging involvement in watershed and similar organizations. Mr. Zawlocki also noted that the acoustics in the Lake Fenton High School auditorium may not be sufficient to allow a meeting without amplified sound.

**ADJOURN:** Meeting adjourned at 9:55 p.m.

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Bonnie Mathis, Supervisor

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Thomas Broecker, Deputy Clerk

**Minutes Posted 10/5/04**