

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF AUGUST 7, 2006**

**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, Brown, Tucker, Zimmer, Attorney Cooley and
Office Manager Broecker.

Absent: Goupil

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 8/7/06 Fenton Township Board Meeting agenda as presented.

Motion by: Tucker

Seconded: Brown

Ayes: All Present

Nays: None

Absent: Goupil

Motion carried. The agenda is approved.

MEETING MINUTES:

Trustee Tucker noted that he had contacted Office Manager Broecker to revise his comments regarding the proposed Chateaux du Lac/Barrington Hills special assessment district. Office Manager Broecker reported that the corrections had been made to the version that will become the permanent record. The minutes of the 7/24/06 regular meeting stand approved as corrected. The minutes of the 7/26/06 special meeting stand approved as presented.

EXPENDITURES:

Trustee Brown asked how much of the current invoice from Mid-Michigan Manufacturing & Maintenance was for emergency coverage during power outages. Office Manager Broecker confirmed that \$5,176 of the \$19,868 invoice was due to power outages. Motion to approve expenditures as presented.

Motion by: Brown

Seconded: Zimmer

Ayes: Mathis, Krug, Carmody, Brown, Tucker, Zimmer

Nays: None

Absent: Goupil

Motion carried.

PUBLIC HEARINGS:

Pine Lake Improvement Special Assessment District/Hearing of Necessity

Supervisor Mathis opened a public hearing for a proposed 5-year special assessment district for improvements to Pine Lake through the eradication and control of aquatic weeds. This assessment is, in effect, a renewal of a 5- year assessment that just concluded. The total 5-year cost of the project is approximately \$57,250.00. The public is invited to comment on the following issues:

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1. The creation of the special assessment district
2. The proposed boundaries of the district
3. The necessity of the improvement
4. The plans for the improvement
5. The cost estimates for the improvement

Public Comment:

Edward Farrell, 4462 Eleanor Drive

Mr. Farrell is a member of the Pine Lake Association and stated his support for the proposed special assessment. Continuing the weed treatments in Pine Lake will help keep the lake clean for use by the residents.

There was no further public comment. Clerk Krug presented the following resolution:

RESOLUTION NO. 2006-19

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 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 7th day of August 2006 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 Pine 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 Pine Lake through the control and/or eradication of aquatic weeds as prepared and presented, and the estimated total cost of \$57,250.00 over five years, and

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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 Pine Lake Improvement Special Assessment District, within which the costs of such improvements shall be assessed, the following described area within said township:

All properties abutting Pine 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. 2006-19 as presented.

Motion by: Krug

Seconded: Zimmer

Ayes: Mathis, Krug, Carmody, Brown, Tucker, Zimmer

Nays: None

Absent: Goupil

Motion carried. Resolution declared adopted.

Supervisor Mathis stated that, in anticipation of the board's adoption of the previous resolution, a special assessment roll has been prepared, certified and filed with the Township Clerk. Clerk Krug then presented the following resolution:

RESOLUTION NO. 2006-20

A resolution scheduling a hearing on the assessment roll for the Pine Lake Improvement Special Assessment District.

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 \$57,252.24 for the years 2006 through 2010, covering all parcels of land within the Pine 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

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BE IT FURTHER RESOLVED, that the Fenton Township Board shall meet at 7:30 p.m. on August 21, 2006 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 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 Pine 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. 2006-20 as presented.

Motion by: Krug

Seconded: Tucker

Ayes: Mathis, Krug, Carmody, Brown, Tucker, Zimmer

Nays: None

Absent: Goupil

Motion carried. Resolution declared adopted.

Dollar Lake Improvement Special Assessment District/Hearing on Revised Roll

Supervisor Mathis opened a public hearing on a revised roll for the Dollar Lake Improvement Special Assessment District. As explained at the July 24th meeting, the revised roll is necessary to increase the final year's assessment by approximately \$27 per household in order to avoid a shortfall at the conclusion of the 6-year treatment period. The original assessment roll was adopted in 2001. Since that time, the MDEQ implemented a significant increase to the permit fees for weed treatments on lakes, thus creating this shortfall situation. The public is invited to comment on the following issues:

1. An individual's assessment in relation to benefit received.
2. The total cost of the project.
3. The validity of the proceedings to date.

There was no public comment. Clerk Krug presented the following resolution:

RESOLUTION NO. 2006-21

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 revised assessment roll prepared by the Supervisor and assessing officer of the Township for the purpose of adjusting the costs of the lake improvement project which is ongoing within the Dollar Lake Improvement Special Assessment District as shown on the plans and specifications for such project, and

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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 revised 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 revised 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 revised assessment roll and considered all comments and proposed amendments thereto and has found the proposed revised assessment roll, as presented, to be correct, just and reasonable;

THEREFORE BE IT RESOLVED, that the revised assessment roll submitted by the Supervisor and assessing officer of the Township shall hereafter be designated as Fenton Township Revised Special Assessment Roll No. 2001-2, and shall hereby be confirmed as the assessment roll for the Dollar Lake Improvement Special Assessment District, and

BE IT FURTHER RESOLVED, that the remaining assessment in said Fenton Township Revised Special Assessment Roll No. 2001-2 shall be due on or before December 1, 2006. All unpaid installments prior to their transfer to the tax roll as provided by Michigan Public Act 188 of 1954, as amended, shall bear interest payable annually on each installment due date at a rate equal to one percent (1%) above the average interest rate on bonds issued by the township in anticipation of the collection of these special assessments, and

BE IT FURTHER RESOLVED, that future due installments of an assessment against any parcel of land may be paid to the Fenton Township Treasurer at any time in full, in accordance with Michigan Public Act 188 of 1954, as amended. 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, also in accordance with said Act 188, 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 assessments in accordance with the direction of the Township Board and said P.A. 188 of 1954, and

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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. 2006-21 as presented.

Motion by: Tucker

Seconded: Zimmer

Ayes: Mathis, Krug, Carmody, Brown, Tucker, Zimmer

Nays: None

Absent: Goupil

Motion carried. Resolution declared adopted.

Chateaux du Lac/Barrington Hills – Island View Drive Improvement Special Assessment District/Hearing of Necessity

Supervisor Mathis opened a public hearing regarding the creation of a special assessment district for the purpose of raising funds to contribute to the cost of repaving Island View Drive. The Island View Drive residents have petitioned the Genesee County Road Commission (GCRC) for a special assessment district for the same improvement, however the GCRC will not assess properties that do not front the proposed road improvement. The Chateaux/Barrington petition represents the willingness of their property owners to contribute \$2,000.00 per unit toward the cost of the project. The public is invited to comment on the following issues:

1. The creation of the special assessment district
2. The proposed boundaries of the district
3. The necessity of the improvement
4. The plans for the improvement
5. The cost estimates for the improvement

Public Comment:

Richard Steinhoff, 4436 Island View Drive

Mr. Steinhoff asked if vacant properties are included in the proposed assessment district. Office Manager Broecker confirmed that all units and parcels are included in the proposed district, including vacant properties. Mr. Steinhoff believes that the property owners in Barrington Hills and Chateaux du Lac should pay more than \$2,000 per unit. He believes the condition of Island View Drive is due to construction traffic resulting from the development of these areas. He suggested that the entire Island View Drive project could be completed under a special assessment district established by the Township, which would include the Barrington Hills and Chateaux du Lac properties. He urged to the board to delay action or reject the petition.

Craig Essman, 4359 Island View Drive

Mr. Essman stated that the Chateaux du Lac and Barrington Hills property owners were asked to contribute toward the cost of the road improvement project, even though they are not required to pay anything under the GCRC special assessment district. He feels that \$2,000 per property is fair. Island View Drive is 40 years old and needs to be repaved. Construction traffic from the development of Chateaux du Lac and Barrington

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Hills is not the only factor contributing to the current condition of the road. Trustee Zimmer asked if the Island View property owners were aware of the proposed \$2,000 per unit contribution from the off-site developments when the petitions were circulated. Mr. Essman stated that the residents were informed of this when asked to sign the petition. Trustee Brown asked if any of the petition circulators made any promises regarding eligibility for and availability of Community Development Block Grant (CDBG) funding relative to this project. Mr. Essman stated that property owners were told that CDBG funds may be available but it would be several months before anything was known for sure. There were definitely no promises made to anyone regarding CDBG funds.

Roger Rohr, 4205 Island View Drive

Mr. Rohr stated that the proposed creation of separate special assessment districts by Genesee County and Fenton Township was based on direction received from both the County and the Township. Regarding the \$2,000 assessment per unit for Chateaux du Lac and Barrington Hills, it was based on the number of years since the road was originally construction vs. the number of years since Chateaux du Lac was developed.

Ray Lord, 4520 Eleanor Drive

Mr. Lord expressed concern regarding the lack of communication among neighboring property owners on this proposed project and the discussions regarding the potential availability of CDBG funds. He questioned why the original GCRC petition included properties on Eleanor Drive and the revised petition did not. He also agreed with Mr. Steinhoff's assertion that the deterioration of the road is due to construction traffic for the development of Chateaux du Lac and Barrington Hills.

Nicolyn Steinhoff, 4436 Island View Drive

Ms. Steinhoff stated that she believes the assessments should be fair and equitable. She also expressed concern regarding the impact of rising oil prices on the cost of paving.

Roger Rohr, 4025 Island View Drive

In response to concerns raised by Mr. Lord, Mr. Rohr stated that the petition committee did their best to communicate information to all residents of Island View Drive. It was the GCRC that insisted that Eleanor Drive be included on the original petition. When that petition failed to achieve more than 50%, a revised petition for Island View Drive only was circulated.

Neil Wakeman, 4192 Island View Drive

Mr. Wakeman is concerned about the cost of the proposed project and would like all options explored.

It was pointed out that the GCRC absorbs the cost of engineering and inspection for their special assessment districts, (estimated to be \$111,315 for this project). If the Township were to establish the special assessment district, the property owners would pay that cost.

Supervisor Mathis suggested postponing action on the proposed resolution to look into the various options for this project. The board agreed. The resolution will be placed on the agenda for the 8/21/06 meeting.

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REPORTS:

Annexation Update

Clerk Krug reported that neither the Boundary Commission nor BKG Development will appeal the decision regarding the annexation of BKG's property to the Michigan Supreme Court. The property will remain a part of Fenton Township.

COMMUNICATIONS:

None

Supervisor Mathis called a 5-minute recess at 8:45 p.m.

The Township Board reconvened at 8:50 p.m.

ADOPTION OF ORDINANCES:

Rezoning # R06-002, Scott R. Allen, parcels 06-06-200-002 & 06-06-100-017, (6245 Ray Road); Conditional Rezoning from R-3 to AG/2nd Reading

Supervisor Mathis reviewed a proposed amendment to the Zoning Ordinance to conditionally rezone property on Ray Road from R-3 to Agricultural. She also read into the record the conditions offered by the applicants:

1. The farm fence that shall confine any and all farm animals will be set back a minimum of 30-ft. from parcels 06-06-200-010 (6269 Ray Road) & 06-06-100-009 (6309 Ray Road).
2. There shall be no more than 300 total poultry on the property.
3. There shall be no farm or rehabilitation animals located in any pens cages or buildings on the section of land, fronting on Ray Road, between parcels 06-06-200-010 (6269 Ray Road) & 06-06-100-009 (6309 Ray Road) from Ray Road to the rear property line of parcel 06-06-200-010.
4. The total number of animal units on the parcel shall not exceed 25 animal units in accordance with the Michigan Department of Agriculture and the Generally Accepted Agricultural Management Practices.

It was also pointed out that the Planning Commission, by a 4-3 vote, has recommended approval of the amendment.

Trustee Tucker noted that this is the first conditional rezoning request to come before this Township Board. Under the current law, the applicant is required to "offer" the conditions that will be applied to the rezoning. The statute does not allow the Township to add conditions or negotiate the conditions in any way. This was a very controversial application and the board must make a decision based on what has been presented. The decision must be separated from the emotional issues, (i.e. conflict with neighbors), that have become apparent. Mr. Tucker feels that the rezoning application and offered conditions is not consistent with the Land Use Plan. The conditions offered allow for an expansion of the existing agricultural use (e.g. 13 animal units to 25), which is not appropriate. He also would have liked to see additional conditions placed on the rezoning, however they were not offered by the applicants.

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Supervisor Mathis pointed out that the 25 animal unit limit was suggested by the Department of Agriculture. Most of the surrounding properties are agricultural and she feels that the applicants have made a good-faith effort to buffer the neighboring properties with their fence setback conditions.

Treasurer Carmody expressed concern that adopting the amendment may be, as suggested by Trustee Tucker, contrary to the Land Use Plan.

Trustee Brown asked if the Planning Commission had reviewed the circumstances surrounding the rezoning of the property from R-1A & AG to R-3 in 2002. Trustee Tucker confirmed that the Planning Commission was well aware of these circumstances. Like many other properties that were “split-zoned”, (i.e. more than one zoning classification on a single parcel), this property was zoned to R-3 because it did not meet the dimensional requirements for AG. The property owners were notified of the change prior to adoption. Trustee Tucker also noted that, if the rezoning is denied, the Allens will still be able to continue their current use of the property.

Attorney Cooley stated that he is very aware of the various issues regarding disputes with neighboring property owners. He sees the rezoning of the property as an opportunity to eliminate the enforcement issues for the Township and put them with the Department of Agriculture where they belong.

Trustee Zimmer stated that all types of land uses should be accommodated in our Township. The subject property is located outside the existing urban service boundary, which is where agricultural uses belong. She also stated that the recently purchased parcel was still being actively farmed as recently as 2004. She agrees with Supervisor Mathis that the Allens are being generous in the conditions that they've offered.

Motion to adopt Ordinance No. 672, an amendment to Zoning Ordinance No. 594 to rezone parcels 06-06-200-002 and 06-06-100-017 from R-3 to AG as presented, with the following conditions, as offered by the applicants:

1. The farm fence that shall confine any and all farm animals will be set back a minimum of 30-ft. from parcels 06-06-200-010 (6269 Ray Road) & 06-06-100-009 (6309 Ray Road).
2. There shall be no more than 300 total poultry on the property.
3. There shall be no farm or rehabilitation animals located in any pens cages or buildings on the section of land, fronting on Ray Road, between parcels 06-06-200-010 (6269 Ray Road) & 06-06-100-009 (6309 Ray Road) from Ray Road to the rear property line of parcel 06-06-200-010.
4. The total number of animal units on the parcel shall not exceed 25 animal units in accordance with the Michigan Department of Agriculture and the Generally Accepted Agricultural Management Practices

Motion by: Mathis
Seconded: Zimmer
Ayes: Mathis, Krug, Brown, Zimmer
Nays: Carmody, Tucker

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Absent: Goupil
Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Resolution No. 2006-23, Sewer System Reimbursement Resolution

Supervisor Mathis reviewed a proposed resolution that is related to the Township's intent to issue bonds to continue the project to rehabilitate and improve the sewer system. The resolution allows the Township to use proceeds from bonds sold to pay for expenditures undertaken by the Township for the Project prior to issuance of the bonds. Office Manager Broecker confirmed that this is a standard practice so that the Township can continue working on system improvements rather than waiting for the bonds to be issued. Clerk Krug presented the following resolution:

RESOLUTION NO. 2006-23

WHEREAS, the Township intends to issue and sell one or more series of bonds, in amount not to exceed Twenty Million Five Hundred Thousand Dollars (\$20,500,000), for the purpose of paying the costs of acquiring, constructing, installing, furnishing and equipping various sewer improvements in the Township (the "Project"); and

WHEREAS, the Township Board of the Township desires to affirm its intent to be in compliance with the "reimbursement rules" of the Internal Revenue Service (the "IRS") and therefore makes the declarations contained in this resolution for the purpose of complying with the "reimbursement rules"; and

*WHEREAS, the Township intends, at this time to state its intention to be reimbursed from proceeds of the bonds issued by itself or the County for any expenditures undertaken by the Township for the Project prior to issuance of the bonds.
NOW, THEREFORE, BE IT RESOLVED THAT:*

1. *The Township makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:*
 - (a) *As of the date hereof, the Township reasonably expects to reimburse the Township for the expenditures described in (b) below with proceeds of debt to be incurred by the Township.*
 - (b) *The expenditures described in this paragraph (b) are for the costs of acquiring, constructing, installing, furnishing and equipping the Project which were or will be paid subsequent to sixty (60) days prior to the date hereof.*
 - (c) *The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$20,500,000.*
 - (d) *A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18*

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months after the later of (i) the date on which the expenditure is paid, or (ii) the date the project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the Township's use of the proceeds of the debt to be issued for the Project to reimburse the Township for a capital expenditure made pursuant to this resolution.

- (e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).*
- (f) No proceeds of the borrowing paid to the Township in reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.*

- 2. 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. 2006-23 as presented.

Motion by: Krug

Seconded: Carmody

Ayes: Mathis, Krug, Carmody, Brown, Tucker, Zimmer

Nays: None

Absent: Goupil

Motion carried. Resolution declared adopted.

Resolutions No. 2006-24, 25, 26, 27, 28, 29, 30, 31, 32 & 33, Proposed Sewer Special Assessment Districts

Supervisor Mathis reported that, as explained in previous meetings, the areas of the Township that have sewer service available have been divided into 5 separate proposed special assessment districts. The money collected from such special assessment would be used to repay part of the debt incurred for the sewer system improvements project. There are five proposed districts:

- Fenton Road District
- Torrey Road District
- Thompson Road District
- Central District
- Southwest District

There are two resolutions for each district presented for board consideration. The first resolution for each district declares the Township's desire to proceed with the sewer

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system improvements and directs the Township Engineer to develop plans and cost estimates. The second resolution acknowledges receipt of said plans and estimates and sets the date for a public hearing on the formal creation of the special assessment district. The dates in the five "No. 2" resolutions have not yet been filled in. The board needs to determine the appropriate meeting date(s) for the five public hearings. After a brief discussion the board agreed to schedule 2 special meetings for the public hearings; Fenton, Torrey & Thompson at the first meeting; Central & Southwest at the second meeting.

Clerk Krug presented ten separate resolutions for board consideration, two for each of the five proposed special assessment districts, (summarized below in the interest of brevity; Complete resolutions will be filed with the office of the Township Clerk).

Resolutions No. 2006-24, 2006-26, 2006-28, 2006-30 & 2006-32, (Resolution No. 1 for the Fenton Road, Torrey Road, Thompson Road, Central and Southwest Districts, respectively).

WHEREAS, the Township Board of the Charter Township of Fenton, County of Genesee, State of Michigan, pursuant to Act 188, Public Acts of Michigan, 1954, as amended, tentatively declares its intention to undertake certain sewer system public improvements as described in Exhibit A attached hereto and made a part hereof in the special assessment district tentatively designated and described in Exhibit B attached hereto and made a part hereof; and

WHEREAS, the Township Board desires to proceed with the proposed public improvements.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The Township's engineer is hereby ordered to prepare plans showing the improvement, the location thereof and estimates of the cost thereof.*
- 2. Said engineer, when the plans and estimates are completed, is ordered to file the same with the Township Clerk.*
- 3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.*

Resolutions No. 2006-25, 2006-27, 2006-29, 2006-31 & 2006-33, (Resolution No. 2 for the Fenton Road, Torrey Road, Thompson Road, Central and Southwest Districts, respectively).

WHEREAS, the Township Board of the Charter Township of Fenton, County of Genesee, State of Michigan, pursuant to Act 188, Public Acts of Michigan, 1954, as amended, has tentatively declared its intention to undertake certain sewer system public improvements as described in Exhibit A attached hereto in the special assessment district described in Exhibit B attached hereto; and

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WHEREAS, the Township Board has caused to be prepared by registered engineers plans showing the public improvements and the location thereof and an estimate of the cost thereof; and

WHEREAS, the same have been received by the Township Board; and

WHEREAS, the Township Board desires to proceed further with the public improvements.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The plans showing the public improvements and the location thereof and the estimate of cost thereof shall be filed with the Township Clerk and be made available for public examination.*
- 2. The Township Board tentatively declares its intention to make the public improvements described in Exhibit A attached hereto.*
- 3. There is hereby tentatively designated a special assessment district against which the cost of said public improvements is to be assessed, consisting of the lots and parcels of land more particularly described in Exhibit B attached hereto.*
- 4. The Township Board shall meet in the Township Hall in the Township on:
August 23, 2006 (Fenton Road, Torrey Road & Thompson Road Districts)
August 24, 2006 (Central and Southwest Districts)
at 7:00 o'clock p.m., Eastern Daylight Time, at which time and place the Township Board shall hear objections to the proposed public improvements or the special assessment district therefor.*
- 5. The Township Clerk is hereby ordered to cause notice of such hearing to be published twice prior to said hearing in the **Tri-County Times**, a newspaper of general circulation in the Township, the first publication to be at least ten (10) days before the time of hearing, and shall cause notice of said hearing to be mailed by first-class mail to all record owners of or persons in interest in property in the special assessment district as shown on the last township tax assessment records of the Township at least ten (10) full days before the date of said hearing.*
- 6. Said notice shall be in substantially the following form:*

***NOTICE OF HEARING ON SEWER SPECIAL ASSESSMENT
IMPROVEMENTS BY THE TOWNSHIP BOARD
OF THE CHARTER TOWNSHIP OF FENTON***

TO ALL OWNERS OF THE FOLLOWING-DESCRIBED LANDS:

[Insert legal description.]

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TAKE NOTICE that pursuant to the provisions of Act 188, Public Acts of Michigan, 1954, as amended, the Township Board has tentatively declared its intention to proceed with the public improvements described as follows:

[Insert project description.]

TAKE FURTHER NOTICE that the Township Board has tentatively declared its intention to make such improvements and tentatively designated the above-described premises as a special assessment district against which all or a part of the cost of said public improvements is to be assessed.

TAKE FURTHER NOTICE that the Township Board has caused to be prepared plans showing the public improvements, the location thereof and an estimate of the cost thereof which have been filed with the Charter Township of Fenton Clerk, 12060 Mantawauka Drive, Fenton, Michigan 48430 for public examination.

PUBLIC NOTICE IS HEREBY GIVEN that the Board will meet on _____, the ___ day of August, 2006, at __:__, o'clock p.m., Eastern Daylight Time, at the Township Hall, 12060 Mantawauka Drive, Fenton, Michigan, to hear objections to the public improvements, and to the special assessment district therefor.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Township Clerk by _____, __:___ p.m. on August __, 2006 and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

*Robert E. Krug
Township Clerk*

- 7. 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 - Fenton Road Sewer District

Public Improvements

Repair and/or replacement of 123 sections of sanitary sewer pipeline, totaling approximately 39,097 linear feet of pipe and rehabilitating approximately 1,005 cracks, breaks, root intrusions joint leaks, mineral deposits and protrusions.

EXHIBIT A - Torrey Road Sewer District

Public Improvements

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF AUGUST 7, 2006**

Reconstruction of the sewer main lines in the Torrey Road Arm of the sanitary sewer system.

EXHIBIT A - Thompson Road Sewer District

Public Improvements

Repair and/or replacement of 39 sections of sanitary sewer pipeline, totaling approximately 9,333 linear feet of pipe and rehabilitating approximately 172 cracks, breaks, root intrusions joint leaks, mineral deposits and protrusions.

EXHIBIT A - Central Sewer District

Public Improvements

Repair and/or replacement of 197 sections of sanitary sewer pipeline, totaling approximately 31,266 linear feet of pipe and rehabilitating approximately 655 cracks, breaks, root intrusions joint leaks, mineral deposits and protrusions.

EXHIBIT A - Southwest Sewer District

Public Improvements

Repair and/or replacement of 137 sections of sanitary sewer pipeline, totaling approximately 25,741 linear feet of pipe and rehabilitating approximately 342 cracks, breaks, root intrusions joint leaks, mineral deposits and protrusions.

EXHIBIT B

Listing of parcel identification numbers and map for each of the proposed special assessment districts, (see original resolutions for complete listing).

Motion to adopt Resolution No. 2006-24 as presented.

Motion by: Krug
Seconded: Carmody
Ayes: Mathis, Krug, Carmody, Brown, Tucker, Zimmer
Nays: None
Absent: Goupil

Motion carried. Resolution declared adopted.

Motion to adopt Resolution No. 2006-25 as presented.

Motion by: Krug
Seconded: Carmody
Ayes: Mathis, Krug, Carmody, Brown, Tucker, Zimmer
Nays: None
Absent: Goupil

Motion carried. Resolution declared adopted.

Motion to adopt Resolution No. 2006-26 as presented.

Motion by: Mathis
Seconded: Carmody
Ayes: Mathis, Krug, Carmody, Brown, Tucker, Zimmer
Nays: None
Absent: Goupil

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Motion carried. Resolution declared adopted.

Motion to adopt Resolution No. 2006-27 as presented.

Motion by: Zimmer

Seconded: Carmody

Ayes: Mathis, Krug, Carmody, Brown, Tucker, Zimmer

Nays: None

Absent: Goupil

Motion carried. Resolution declared adopted.

Motion to adopt Resolution No. 2006-28 as presented.

Motion by: Carmody

Seconded: Zimmer

Ayes: Mathis, Krug, Carmody, Brown, Tucker, Zimmer

Nays: None

Absent: Goupil

Motion carried. Resolution declared adopted.

Motion to adopt Resolution No. 2006-29 as presented.

Motion by: Tucker

Seconded: Zimmer

Ayes: Mathis, Krug, Carmody, Brown, Tucker, Zimmer

Nays: None

Absent: Goupil

Motion carried. Resolution declared adopted.

Motion to adopt Resolution No. 2006-30 as presented.

Motion by: Tucker

Seconded: Carmody

Ayes: Mathis, Krug, Carmody, Brown, Tucker, Zimmer

Nays: None

Absent: Goupil

Motion carried. Resolution declared adopted.

Motion to adopt Resolution No. 2006-31 as presented.

Motion by: Tucker

Seconded: Carmody

Ayes: Mathis, Krug, Carmody, Brown, Tucker, Zimmer

Nays: None

Absent: Goupil

Motion carried. Resolution declared adopted.

Motion to adopt Resolution No. 2006-32 as presented.

Motion by: Krug

Seconded: Tucker

Ayes: Mathis, Krug, Carmody, Brown, Tucker, Zimmer

Nays: None

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Absent: Goupil

Motion carried. Resolution declared adopted.

Motion to adopt Resolution No. 2006-33 as presented.

Motion by: Carmody

Seconded: Zimmer

Ayes: Mathis, Krug, Carmody, Brown, Tucker, Zimmer

Nays: None

Absent: Goupil

Motion carried. Resolution declared adopted.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Paul Kish, 13238 Wood Duck Court

Mr. Kish expressed concern regarding speed limits in the Loon Harbor Preserve development. He asked for the Township's assistance in locating a speed limit electronic display unit that could be used temporarily in their neighborhood, as well as posting speed limit signs. Clerk Krug stated that he would check with neighboring municipalities to see if such a unit was available to be loaned out. Regarding speed limits and signs, it was pointed out that the streets in Loon Harbor Preserve are private so the decision to post speed limit signs and any associated costs would be the responsibility of the condominium association. The Township may, however, be able to assist in locating a source for the signs.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft noted that the traffic signal for the Torrey/Lahring intersection has still not been installed. He expressed concerns regarding speed limits on Lake Ponemah. Mr. Hawcroft also repeated his previous concerns regarding the City of Fenton's practice of harvesting the weeds in the Mill Pond, which flow into Lake Ponemah and re-seed themselves.

Charles Mueller, 6036 Lobdell Road

Mr. Mueller stated that he recalled Supervisor Mathis making a formal motion to establish a minimum Sewer Fund cash reserve of \$1 million. Supervisor Mathis stated that she does not recall such a motion being made and asked Mr. Mueller to provide the date of the meeting during which that took place.

Mr. Mueller stated that, by his calculation, the proposed sewer millage (if approved), combined with sewer use fees and the proposed special assessments would raise around \$116 million over a 20-year period. He asked if the Township had a breakdown of those uses of funds. Office Manager Broecker responded that the Township does maintain a cash flow model to track and project Sewer Fund finances. Using current projections, total cash outflows (expenditures) will average around \$7 million per year for the next 20 years. Approximately \$3.4 million of that total is for debt service, \$2.2 million for Genesee County operation & maintenance charges, and \$1.4 million for Township operation & maintenance. Mr. Mueller suggested that it might be helpful to have this summary information more readily available to the public.

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Edward Farrell, 4462 Eleanor Drive

Mr. Farrell, a former Vienna Township official, stated that the Township may be able to keep sewer costs down by holding developers responsible for infrastructure improvements. Treasurer Carmody responded that the Township does indeed require developers to upgrade the sewer system, if necessary, to accommodate the additional development.

Dave Franz, 3435 Breezepointe Court

In light of the recent power outages in our area, Mr. Franz suggested using CDBG funds to purchase and install a generator at the Fenton Township Hall. This will be researched further.

ADJOURN: Meeting adjourned at 10:30 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 8/11/06