

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF AUGUST 21, 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, Goupil, Tucker, Zimmer, Attorney
Cooley and Office Manager Broecker.

Absent: None

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 8/21/06 Fenton Township Board Meeting agenda as presented.

Motion by: Tucker

Seconded: Brown

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

Supervisor Mathis noted one correction in the 8/7/06 minutes. It was Clerk Krug that offered to contact neighboring communities regarding the availability of a portable speed limit display. The minutes of the 8/7/06 regular meeting stand approved as corrected. The minutes of the 8/14/06 workshop meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: Carmody

Seconded: Brown

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

Pine Lake Improvement Special Assessment District/Hearing of Necessity

Supervisor Mathis opened a public hearing on the assessment roll for a proposed 5-year special assessment 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:

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:

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RESOLUTION NO. 2006-34

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 Pine 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. 2006-1 and shall hereby be confirmed as the assessment roll for the Pine Lake Improvement Special Assessment District.

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2006-1 shall be divided into five annual installments with the first installment due on or before December 1, 2006 and the following installments to be due on or before the first day of December of the years 2007 through 2010 inclusive.

BE IT FURTHER RESOLVED, that future due installments of an assessment against any parcel of land may be paid to the Township Treasurer at any time in full. If any installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected a penalty at the rate of 1% for each month, or fraction of a month, that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township tax roll, in accordance with Michigan P.A. 188 of 1954, as amended.

BE IT FURTHER RESOLVED, that the assessments made in said special assessment roll are hereby ordered and directed to be collected by the Township

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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. 2006-34 as presented.

Motion by: Krug

Seconded: Carmody

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

Nays: None

Motion carried. Resolution declared adopted.

REPORTS:

Ambulance Service Update

Trustee Goupil introduced Mark Lund of StatEMS Ambulance Service. Mr. Lund stated that his company is interested in providing ambulance service in Fenton Township under the same terms that Regional EMS has operated. Stat EMS is headquartered in Flint, has 11 ambulances and 3 specialty vehicles, and has a strong focus on providing quality service. The board thanked Mr. Lund for his presentation and his interest in providing service for Fenton Township.

Trustee Goupil reported that he has spoken to other ambulance companies and some of them are not interested in providing service in Fenton Township. He will continue to contact other ambulance companies to determine if there are any other candidates for the Township to consider. It was noted that Regional EMS is interested in being retained by the Township. They will be invited to a future board meeting.

Lakeside Acres – Riparian Issues

Supervisor Mathis distributed a map to the board members regarding riparian issues in the Lakeside Acres subdivision, which were discussed at the 8/14/06 workshop meeting. She suggested that the board members visit the site before the board takes any action.

US-23 Freeway Sign Project

Supervisor Mathis reported that MDOT will be working on freeway signs along US-23 from September to November. This will involve periodic lane closures. More information will be provided as it becomes available.

COMMUNICATIONS:

DNR Hearing – McCully Lake Request for No-Wake Status

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Supervisor Mathis reviewed a letter from the DNR regarding the Township's request to establish a no-wake and no gas motor ordinance on McCully Lake. The DNR will hold a public hearing on this issue at the Fenton Township Hall on 9/7/06 at 7:00 p.m.

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

Chateaux du Lac/Barrington Hills – Island View Drive Improvement / Resolution to Create Special Assessment District

Supervisor Mathis noted that, at the 8/7/06 meeting, the Township Board postponed action on a proposed resolution to create a special assessment district for properties in Barrington Hills and Chateaux du Lac 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 requests a special assessment district where each unit would contribute \$2,000.00 toward the cost of the project. Comments were made at the 8/7/06 meeting regarding the possibility of abandoning both existing special assessment efforts and petitioning the Township to establish a single special assessment district to encompass all benefiting properties. A comparison spreadsheet has been prepared that indicates that the overall cost, as well as the cost to each individual property owner would be significantly higher under the Township approach. This is due to the fact that the GCRC will pay the cost of engineering and inspection for the project. Under the Township option, those costs would be borne by the property owners.

Public Comment:

Tom Murphy, 24 Chateaux du Lac

Mr. Murphy stated that the Chateaux du Lac Association Board chose not to take a formal position on the special assessment petition submitted by their residents. He did note, however, that not all Chateaux du Lac residents are in favor of the assessment and that some may challenge the assessment through legal action.

Donald Weber, 76 Chateaux du Lac

Mr. Weber, one of the petition organizers, explained that the \$2,000.00 figure was based on the number of years since Island View Drive was constructed and the number of years since Chateaux du Lac was developed. The result was their best attempt to fairly share the costs. He also noted that 75% of the Chateaux/Barrington property owners signed the petition.

Richard Steinhoff, 4436 Island View Drive

Mr. Steinhoff questioned whether the \$2,000.00 figure was truly a calculated amount or simply an amount that everyone would buy into. He wants the assessment to be fair and believes the Chateaux/Barrington properties should pay the same amount as the Island

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View properties. It was pointed out that the Chateaux/Barrington properties have petitioned for a specific assessment amount (\$2,000.00). The Township cannot arbitrarily change that amount.

Roger Rohr, 4205 Island View Drive

Mr. Rohr clarified that 60% of the Island View Drive property owners signed the special assessment petition with the understanding that Chateaux du Lac and Barrington Hills would be contributing \$2,000.00 per unit.

Mary Rising, 4389 Island View Drive

Ms. Rising stated that she is thankful that the Chateaux du Lac and Barrington Hills properties are willing to contribute to the project, especially since they are not obligated to do so. The road is badly in need of improvement and she is in favor of moving the project forward.

Treasurer Carmody noted that the current approach of a GCRC special assessment district for Island View Drive and the parallel district to be established by the Township for the Chateaux/Barrington properties is the most cost-effective option for the residents. Any other approach adds more cost to the project because the Road Commission covers the cost of engineering and inspection.

Trustee Goupil pointed out that the board is obligated to follow the applicable laws, which may not seem fair to some residents.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2006-22

WHEREAS, the Fenton Township Board has received petitions signed by more than 50% of the total land area and road frontage in the proposed Special Assessment District described hereinafter, and accordingly, determined to proceed under the provisions of 1954 PA 188, as amended, to secure preliminary plans and estimates of cost together with a proposed Special Assessment District for assessing part of the costs of the proposed road improvement project to schedule a public hearing upon the same for this date, and

WHEREAS, the preliminary 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

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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 Chateaux du Lac/Barrington Hills – Island View Drive Road Improvement Special Assessment District were properly signed by the record owners of land whose land area and road frontage constitutes more than 50% of the total land area and road frontage in the proposed Special Assessment District, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby accept the preliminary plans and estimate of costs for the paving of Island View Drive as prepared by the Genesee County Road Commission, 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 Chateaux du Lac/Barrington Hills – Island View Drive Road Improvement Special Assessment District, within which a portion of the costs of such improvements shall be assessed, the following described area within said township:

***ALL PROPERTIES IN THE CHATEAUX DU LAC CONDOMINIUM
DEVELOPMENT***

and

***ALL PROPERTIES IN THE DEVELOPMENT COMMONLY KNOWN AS
BARRINGTON HILLS, (PARCELS 06-28-300-004, 06-28-300-005, 06-28-300-006,
06-28-300-007 & 06-28-300-008)***

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. 2006-22 as presented.

Motion by: Krug

Seconded: Carmody

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

Nays: None

Motion carried. Resolution declared adopted.

NEW BUSINESS:

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**Resolution No. 2006-35, Hearing on Revised Roll – Lake Ponemah Improvement
Special Assessment District**

Office Manager Broecker explained that the final installment of the Lake Ponemah Improvement Special Assessment roll needs to be revised in order to avoid a shortfall at the conclusion of the 5-year treatment period. The original assessment roll was adopted in 2002. The MDEQ implemented a significant increase to the permit fees for weed treatments on lakes, thus creating this shortfall situation. The proposed assessment roll will increase the final installment by approximately \$20.00 to cover the additional costs. A public hearing is required in order to confirm the revised assessment roll. Clerk Krug presented the following resolution:

RESOLUTION NO. 2006-35

WHEREAS, Fenton Township Special Assessment Roll 2002-9 for the Lake Ponemah Improvement Special Assessment District was confirmed by the Fenton Township Board on September 3, 2002, and

WHEREAS, subsequent to the confirmation of said special assessment roll, the Michigan Department of Environmental Quality significantly increased the fees for the necessary permits for lake weed treatments, thus creating a potential shortfall in the special assessment account after the final assessment installment is collected from the 2006 property tax roll, and

WHEREAS, an increase to the amount assessed in 2006 to each parcel within the Lake Ponemah Improvement Special Assessment District will eliminate this potential shortfall, and

WHEREAS, the Supervisor and assessing officer of Fenton Township has, in accordance with the laws and statutes pertinent thereto, prepared a revised special assessment roll covering all parcels of land in the Lake Ponemah Improvement Special Assessment District, and has affixed thereto her Certificate as required;

THEREFORE BE IT RESOLVED, that said revised 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 September 5, 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

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be mailed by First Class Mail to all owners of or persons having an ownership interest in property within the Lake Ponemah 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. 2006-35 as presented.

Motion by: Krug

Seconded: Brown

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

Nays: None

Motion carried. Resolution declared adopted.

Ballot Language Approval – Trash Collection Assessment

Supervisor Mathis reviewed the proposed ballot language for the garbage collection assessment proposal for the November General Election. Although the Township has not yet awarded the 2008-2010 contract, the “up to” \$130.00 assessment amount will be adequate for any of the two lowest proposals.

Motion to approve the following ballot proposal for the November 7, 2006 General Election:

Shall each parcel of real estate in the Township upon which there is located a detached single-family dwelling or two-family dwelling or attached single-family dwelling be assessed the sum of up to one hundred thirty dollars (\$130.00) per year per dwelling unit commencing with the December 2007 property tax statements for a three year period to continue funding for Residential Trash Collection Services for the calendar years 2008, 2009 and 2010?

Motion by: Carmody

Seconded: Brown

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

Nays: None

Motion carried.

Resignation from Zoning Board of Appeals

Supervisor Mathis reviewed a letter from Pete Matta stating that he is resigning from the Fenton Township Zoning Board of Appeals, effective 9/1/06. Mr. Matta is moving out of Fenton Township and will no longer be eligible to serve on the ZBA. Supervisor Mathis stated that Mr. Matta has done an outstanding job on the Zoning Board of Appeals and he will be missed.

Motion to accept, with great regret, the resignation of Peter R. Matta from the Fenton Township Zoning Board of Appeals, effective September 1, 2006.

Motion by: Krug

Seconded: Tucker

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

Nays: None

Motion carried.

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Proposed Revisions to Schedule of Fees

Supervisor Mathis reviewed proposed revisions to the Fenton Township Schedule of Fees. The only proposed changes involve the sewer use fees. As previously discussed, because the millage proposal was not approved by the voters, an increase to the sewer use rates is necessary in order to maintain financial stability in the Sewer Fund. The proposed increase will raise the monthly sewer use rate from \$56 to \$69. That means the quarterly bill for most residents will increase from \$168 to \$207. The rates for metered accounts are also being increased accordingly.

Motion to approve revisions to the Fenton Township Schedule of Fees as presented.

Motion by: Tucker

Seconded: Carmody

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

Nays: None

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Bill Ochodnicky, 14107 Landings Way

Mr. Ochodnicky expressed concern regarding a recent bass tournament on Lake Ponemah that resulted in a significant number of vehicles illegally parked at the DNR public access site. According to the DNR, they have instructed the Genesee County Sheriff Department to ticket parking violators at this site, however no tickets were issued. Supervisor Mathis stated that she will investigate this issue further.

Mr. Ochodnicky also announced that Saturday 8/26 is the annual "Ponentian Nights" celebration on Lake Ponemah. Long-time resident Ted Goupil will serve as this year's grand marshal for the lighted boat parade.

Mr. Ochodnicky, noting that the board has had, and continues, to work through many very difficult and challenging issues, commended the entire Township board for their dedication and efforts to do what is best for our community.

Charles Mueller, 6036 Lobdell Road

Regarding the sewer system improvements, Mr. Mueller suggested that the board may want to consider abandoning the special assessments and simply increase user fees to raise the necessary revenues. He believes that an additional \$25 per quarter increase would be sufficient. Office Manager Broecker responded that, in order to eliminate the special assessment districts, the user rates would have to be increased by \$50-75 per quarter, which represents higher overall costs for system users. The proposed special assessment districts will also include vacant properties not yet connected to the system, thereby spreading the costs across a broader base.

Paul Kish, 13238 Wood Duck Court

Mr. Kish asked if additional police patrols could be arranged for the Loon Harbor Preserve neighborhood. Supervisor Mathis will contact the Sheriff Department to

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arrange. Mr. Kish also asked if the Township has been able to obtain the use of a portable speed limit display unit. Clerk Krug responded that he has attempted to contact Grand Blanc Township, however his calls have not yet been returned. He will keep working on this issue.

Dennis Gurniak, 4300 Island View Drive

Mr. Gurniak asked how the cost estimate for paving Island View Drive was determined. Supervisor Mathis responded that it is a preliminary cost estimate provided by the Genesee County Road Commission. He also expressed concern that Chateaux du Lac has indicated that their streets will repaved in a few years and the impact that might have on Island View Drive after it is repaved.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft once again stated his concerns regarding the City of Fenton's practice of harvesting weeds in the mill pond, which ultimately flow into Lake Ponemah and re-seed themselves. He would like to see more cooperation from the City of Fenton regarding this issue.

ADJOURN: Meeting adjourned at 9:25 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 8/22/06