

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 5, 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 9/5/06 Fenton Township Board Meeting agenda as presented.

Motion by: Brown

Seconded: Goupil

Ayes: All

Nays: None

Motion carried. The agenda is approved.

**MEETING MINUTES:**

The minutes of the 8/21/06 regular meeting and the special meetings of 8/23/06, 8/24/06 and 8/28/06 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:**

**Lake Ponemah Improvement Special Assessment District/Hearing on Revised Roll**

Supervisor Mathis reviewed a revised roll for the Lake Ponemah Improvement Special Assessment District. As explained at the August 21<sup>st</sup> meeting, the revised roll is necessary to increase the final year's assessment by approximately \$20 per household in order to avoid a shortfall at the conclusion of the 5-year treatment period. The original assessment roll was adopted in 2002. 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.

Public comment:

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Ted Goupil, 14166 Eastview Drive

Mr. Goupil asked if this is a one-time or permanent increase to the assessment. Office Manager Broecker explained that 2006 is the final installment of the current special assessment so this is a one-time increase.

Bill Ogle, 3425 Isleview Drive

Mr. Ogle stated that the current level of lake treatment is not adequate and asked if the assessment could be increased even more so the lake could receive more treatments. Clerk Krug responded that the lake association had indicated that they would like to increase the assessment for that purpose but never followed through with a proposal or cost figures. Office Manager Broecker suggested that, if a new special assessment is petitioned for next year, additional treatments for 2007 may be negotiated with the service provider.

Clerk Krug presented the following resolution:

**RESOLUTION NO. 2006-36**

*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 Lake Ponemah Improvement Special Assessment District as shown on the plans and specifications 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 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. 2002-9, and shall hereby be*

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*confirmed as the revised assessment roll for the Lake Ponemah Improvement Special Assessment District, and*

*BE IT FURTHER RESOLVED, that the remaining assessment in said Fenton Township Revised Special Assessment Roll No. 2002-9 shall be due on or before December 1, 2006, 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*

*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. 2006-36 as presented.

Motion by: Krug

Seconded: Brown

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

Nays: None

Motion carried. Resolution declared adopted.

**Rezoning #06-05, Rick Randall/Torrey Rd. Development Co. LLC, parcels 06-02-100-001, 06-02-100-002 and 06-02-100-003, (northeast corner of Thompson and Torrey Roads); R-3 and C-2 to PUD/Public Hearing & 1<sup>st</sup> Reading**

Supervisor Mathis stated that this is a public hearing and first reading for a proposed Zoning Ordinance amendment to rezone property located at the intersection of Thompson and Torrey Roads from R-3 and C-2 to PUD. The Planning Commission has conducted a public hearing on this proposed amendment and has recommended approval. Trustee Tucker noted that the Planning Commission's recommendation for approval was unanimous. The proposed development is not drastically different than what could be developed with the existing commercial and residential zoning. The applicants have agreed to numerous conditions under the proposed PUD.

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Applicant Rick Randall provided an overview of the proposed plan which combines commercial uses, a 72-bed assisted living facility and 36 attached single family condominiums into a “town center” development. The proposed plan also incorporates environmentally friendly “green building” principles and innovative storm water management techniques. He also added that the proposed project could be serviced by a Type I well system, although they would prefer municipal water.

Trustee Zimmer questioned Mr. Randall’s comment regarding the water source for the proposed project. She recalled Mr. Randall stating at a previous meeting that the project was not feasible without public water. Mr. Randall stated that connecting to municipal water would be less costly in the long run rather than installing a Type I well system initially and later connecting to a municipal water system if and when it becomes available. Municipal water would also eliminate the need to treat the water for arsenic. Trustee Zimmer expressed concern regarding the impact of a Type I well system on the aquifer and the private wells of neighboring properties. She also stated concern regarding the types of businesses that could be located in the proposed project.

Trustee Tucker pointed that the proposed PUD conditions restrict the commercial uses to those permitted in the C-2 zoning district. Approximately 50% of the subject property is already zoned C-2.

Clerk Krug questioned the potential impact of the proposed development on local schools. Mr. Randall stated that the target market of the project is single people and an age group that is less likely to have school aged children. Clerk Krug cautioned against using arsenic as justification for municipal water and also suggested that the applicant provide results from traffic studies. He also noted that the timing of the project development could impact the eventual uses of the property, (i.e. others may develop the uses first).

Trustee Brown expressed concern that the subject property is within ¼ mile of identified leaking underground storage tank (LUST) sites and asked if the water had been tested yet. Mr. Randall stated that the water has not yet been tested. Trustee Brown asked if an environmental assessment had been completed. Mr. Randall stated that a Phase 1 assessment had been completed with no findings. Trustee Brown urged Mr. Randall to also obtain a Phase 2 assessment since the flow of groundwater may impact his site. Trustee Brown also suggested that the assisted living facility could be relocated to improve the overall layout. Mr. Randall responded that several proposed layouts have been considered. He believes that the version presented has the lowest impact on neighboring properties, while staying consistent with the existing zoning.

Trustee Tucker reminded the board that this plan is conceptual. If the zoning is approved the applicant must still complete the site plan process where some of the detail issues can be resolved.

Treasurer Carmody commended the applicant for their hard work on the proposed plan. He wants to see a project that is a benefit to the Township, the owner and the neighboring

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properties. He believes that the board should stay focused on the big picture rather than trying to “micro-manage” the details of the proposed project.

Trustee Goupil asked if the residential portion of the proposed project would be apartments or condominiums. Mr. Randall stated that they would be condominiums to be sold and not rental units. Trustee Goupil noted that most of what is being proposed in the PUD can already be developed under the existing zoning of the property. The PUD would give the Township much more control.

Supervisor Mathis agreed, adding that the use of conditions within the PUD rezoning ordinance gives the Township more control, authority and flexibility.

**Public Comment:**

Joann Patillo, 2467 Ray Road

Ms. Patillo asked about the groundwater issue raised by Trustee Brown. Trustee Brown clarified that he is not sure what impact, if any, the LUST sites may have on the area. He was simply encouraging more testing. Ms. Patillo stated that she is opposed to municipal water and also expressed concern regarding potential traffic problems that would be created by the proposed development.

William Downer, 11111 Torrey Road

Mr. Downer stated that he does not want to pay for public water. He is concerned that a Type I well system may negatively impact existing wells in the area. He also stated concerns regarding traffic and storm water runoff. Mr. Downer asked what would happen to the project if the property is sold. It was clarified that the zoning and any plan approvals stay with the property regardless of ownership.

Daniel Leschuk, 11149 Torrey Road

Mr. Leschuk, who lives immediately north of the subject property, circulated a petition to oppose the rezoning of the property that almost all neighboring property owners signed and submitted to the Planning Commission. He noted that the conceptual plan may differ greatly from what is ultimately developed. He urged the board to keep in mind the best interests of the neighboring property owners when making their decision.

Susan Foland, 11421 Fairbanks Road

Ms. Foland commented that, during the recall campaign in 2003, citizens of Fenton Township stated that they did not want the development of the Thompson Road Corridor. She is concerned that some board members have forgotten the platforms on which they ran for office.

Trustee Zimmer stated concern that the board was not given a copy of the petition that was submitted to the Planning Commission and only received the minutes from the Planning Commission meeting just prior to tonight’s meeting. It was noted that the petition is in the rezoning file and is available for review at any time. Trustee Zimmer stated that she would like to see the plan reconfigured so that the proposed residential

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uses abut the existing residences. She also feels that the Type I well system should be added as a condition of the PUD rezoning.

Treasurer Carmody stated that the board must be concerned with the best interests of the entire Township. It is not the job of the Township Board to look over the Planning Commission's shoulder and second guess their decisions and recommendations.

Supervisor Mathis agreed with Treasurer Carmody that the Township Board's decision must be based on what is best for all of Fenton Township. She believes that the PUD option not only gives the Township more control, it would result in a more attractive overall project.

The second reading of the proposed ordinance will be conducted at the 9/18/06 meeting.

Supervisor Mathis recessed the meeting at 10:30 p.m.  
The meeting reconvened at 10:35 p.m.

**REPORTS:**

**WWS Capacity Utilization Report**

The board briefly reviewed the sewer capacity utilization report from Genesee County Water & Waste Services.

**COMMUNICATIONS:**

None

**ADOPTION OF ORDINANCES:**

None

**UNFINISHED BUSINESS:**

**Resolution No. 2006-37, Honoring Former ZBA Member Pete Matta**

Supervisor Mathis, noting that the Township Board accepted the resignation of Pete Matta from the Zoning Board of Appeals at the 8/21/06 meeting, stated that resolution has been prepared to honor Mr. Matta for his years of service to Fenton Township.

Clerk Krug presented the following resolution:

**RESOLUTION NO. 2006-37**

*WHEREAS, Peter R. Matta stepped down from his position on the Fenton Township Zoning Board of Appeals as of September 1, 2006, and*

*WHEREAS, Mr. Matta has been a resident of Fenton Township for many years, during which time he has contributed greatly to the progress and welfare of the*

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*community, most notably as a member of the Fenton Township Zoning Board of Appeals, the Fenton Township Service Club, and as a local business owner, and*

*WHEREAS, Mr. Matta served loyally and faithfully as a member of the Fenton Township Zoning Board of Appeals from 1998 to 2006, exhibiting the qualities of vision and leadership throughout his tenure as an appointed official, and*

*WHEREAS, through his leadership role in the Fenton Township Service Club, Mr. Matta was instrumental in many activities that raised funds for law enforcement and fire protection services in Fenton Township;*

*THEREFORE BE IT RESOLVED, that the Fenton Township Board of Trustees hereby recognizes Peter R. Matta for his valuable contributions to our community and expresses sincere appreciation and gratitude for his dedicated service to the government and citizens of Fenton Township, and*

*BE IT FINALLY RESOLVED, that a copy of this resolution be spread upon the minutes of this meeting and a copy provided to Mr. Matta.*

Motion to adopt Resolution No. 2006-37 as presented.

Motion by: Krug

Seconded: Goupil

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

Nays: None

Motion carried. Resolution declared adopted.

**NEW BUSINESS:**

**Resolution No. 2006-38, Non-Profit Designation – Lake Fenton Youth Tackle Football, Inc.**

Supervisor Mathis reviewed a letter from the Lake Fenton Youth Football and Cheerleading Program. This organization wishes to obtain a gaming license from the State of Michigan in order to conduct a fundraiser raffle. A resolution from the local unit of government recognizing the organization as a non-profit entity is required by the State.

Clerk Krug presented the following resolution:

**RESOLUTION NO. 2006-38**

*WHEREAS, the Lake Fenton Youth Football and Cheerleading Program has been active in the promotion of the game of football for area youths for more than ten years, and*

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*WHEREAS, the Lake Fenton Youth Football and Cheerleading Program wishes to obtain a charitable gaming license from the Michigan Bureau of State Lottery for the purpose of conducting a fund raising raffle, and*

*WHEREAS, in order to obtain said license, the local municipality must adopt a resolution supporting the request;*

*THEREFORE BE IT RESOLVED, by the Fenton Township Board of Trustees that the request from **Lake Fenton Youth Tackle Football Program, Inc.** of Fenton, County of Genesee, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license, be considered for **Approval.***

*Motion to adopt Resolution No. 2006-38 as presented.*

*Motion by: Krug*

*Seconded: Brown*

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

*Nays: None*

*Motion carried. Resolution declared adopted.*

**Lakeside Acres Subdivision – Riparian Issues**

Supervisor Mathis reviewed the recently discussed issues related to riparian rights for certain properties in the Lakeside Acres subdivision. There are nine lots (lots 19-27) that have exclusive access to Pamella Park, a large piece of property that fronts Loon Lake. George Rizik, attorney for five of the lot owners, has argued that, based on a Michigan Supreme Court opinion, the lot owners' exclusive use of the park area gives makes them owners of the park and therefore gives them riparian rights. Additionally, the property owners claim that they were led to believe that they indeed had riparian rights when they purchased their lots. It was also noted that the residents are working on restoring wetlands per the MDEQ, although that is a separate issue.

Trustee Goupil reported that his children and ex-wife live in one of the nine lots being discussed and asked if he should abstain from voting.

Motion to allow Trustee Goupil to abstain from voting on the Lakeside Acres lake access issue.

Motion by: Goupil

Seconded: Mathis

Ayes: None

Nays: All

Motion failed. Trustee Goupil will vote on the issue.

Trustee Goupil stated that he is not opposed to the lot owners having docks in Loon Lake. It is still a very limited number of people accessing the lake.

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Trustee Brown asked Trustee Tucker if he had reviewed the case law cited by Attorney Rizik. Trustee Tucker stated that he had and that he agreed with Mr. Rizik's position to a point. He is concerned, however, about setting a precedent that would impact other lakes and other similar situations. Based on a review of meeting minutes, it was clear that the developer did not give lake access to these nine lots. The deed restriction states that a dock could be constructed for non-boating purposes. He suggested that the board may want to consider referring the issue to the Planning Commission for review prior to making a decision.

Attorney Rizik responded that the precedential impact of the board's decision would be limited since the Supreme Court opinion only affects subdivisions platted after 1967.

Trustee Brown stated that, since the lots collectively own the property that accesses the lake, they should be entitled to lake access.

Supervisor Mathis recalled that the Township Board discussion at the time this plat was approved centered on controlling the park to prevent other lots owners from accessing the lake.

Motion to approve a determination that lots 19-27 of the Lakeside Acres Subdivision, by virtue of their exclusive rights to Pamella Park, have riparian rights to Loon Lake, provided that any existing wetlands and conservation areas are not encroached upon; and to direct the Zoning Administrator not to enforce private deed restrictions regarding said properties.

Motion by: Mathis

Seconded: Krug

Ayes: Mathis, Krug, Carmody, Brown, Zimmer

Nays: Goupil, Tucker

Motion carried.

**Resolution No. 2006-39, GCRC Road Improvement Agreement – Loon Lake Court**

Supervisor Mathis reviewed a letter from the Genesee County Road Commission regarding a project to pave Loon Lake Court. The property owners have gone through the special assessment process and an agreement between the Township and the Road Commission is required to proceed with the project. The Township is not responsible for any cost of the proposed improvements. A resolution has been prepared to authorize the Supervisor and Clerk to execute the contract on behalf of the Township Board. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2006-39**

*WHEREAS, pursuant to Act 246 of the Public Acts of 1931, as amended, a Special Assessment District has been created for the making of certain improvements and/or repairs upon County Local Roads within the Charter Township of Fenton ("Township"), and*

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*WHEREAS, the Township is desirous of entering into a contract with The Board of County Road Commissioners of the County of Genesee, Michigan, for the improvements and/or repairs of:*

***LOON LAKE COURT, being 669 feet, more or less, located in the recorded plats of Horrells Heights Estates (Liber 23, page 55), and Horrell Manor (Liber 27, page 58), Section 15, Fenton Township, Genesee County, Michigan.***

*THEREFORE BE IT RESOLVED, that the Township Supervisor and Township Clerk be and are hereby authorized to sign said contract on behalf of this Township Board.*

Motion to adopt Resolution No. 2006-39 as presented.

Motion by: Krug

Seconded: Zimmer

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

Nays: None

Motion carried. Resolution declared adopted.

**Resolution No. 2006-40, Public Hearing on 2006 Fire Protection Special Assessment Roll**

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

**RESOLUTION NO. 2006-40**

*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 \$500,435.00, covering all parcels of land within the Fenton Township Fire Protection Special Assessment District, and has affixed thereto her Certificate as required by said Resolution;*

*THEREFORE BE IT RESOLVED, that said special assessment roll shall be filed with the Township Clerk and shall be available for public examination during regular business hours of regular business days from the present date until the public hearing upon the same and shall further be examined at such public hearing, and*

*BE IT FURTHER RESOLVED, that the Fenton Township Board shall meet at 7:30 p.m. on September 18, 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 in a newspaper of local*

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*circulation not less than five (5) days prior to the hearing, in accordance with the law and statute provided.*

Motion to adopt Resolution No. 2006-40 as presented.

Motion by: Krug

Seconded: Carmody

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

Nays: None

Motion carried. Resolution declared adopted.

**Resolution No. 2006-41, Notice of Intent to Issue Bonds – Sewer System Improvements**

Supervisor Mathis stated that, as discussed at the 8/28/06 special meeting, the Township needs to move forward with the issuance of bonds to fund the needed sewer system improvements. The first steps in the process are the adoption of a resolution and publication of a notice of intent to issue bonds. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2006-41**

WHEREAS, the Charter Township of Fenton, County of Genesee, State of Michigan (the “Township”), intends to issue and sell bonds, pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an amount not to exceed Twenty Million Dollars (\$20,000,000) in one or more series, for the purpose of paying the costs of improvements to the sewer system in the Township and related sites, equipment, structures, attachments and appurtenances (the “Project”); and

WHEREAS, a notice of intent to issue bonds must be published in order to comply with the requirements of Section 517of Act 34, Public Acts of Michigan, 2001, as amended.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Township Clerk is authorized and directed to publish a notice of intent to issue bonds in a newspaper of general circulation in the Township.
2. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

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**NOTICE TO TAXPAYERS AND ELECTORS OF  
THE CHARTER TOWNSHIP OF FENTON  
OF INTENT TO ISSUE BONDS SECURED BY THE  
TAXING POWER OF THE TOWNSHIP AND RIGHT OF REFERENDUM THEREON**

PLEASE TAKE NOTICE that the Charter Township of Fenton, County of Genesee, State of Michigan, intends to issue and sell capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an amount not to exceed Twenty Million Dollars (\$20,000,000), in one or more series, for the purpose of paying the costs of improvements to the sewer system in the Township and related sites, equipment, structures, attachments and appurtenances.

BOND DETAILS

Said bonds will mature in annual installments not to exceed twenty-five (25) in number, with interest rates to be determined at a public or negotiated sale but in no event to exceed such rates as may be permitted by law on the unpaid balance from time to time remaining outstanding on said bonds. The bonds may be issued in one or more series as shall be determined by the Township Board.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL OF AND INTEREST ON SAID BONDS shall be payable from the general funds of the Township lawfully available for such purposes including property taxes levied within applicable constitutional, statutory and charter limitations. The Township intends to pay the principal and interest of said bonds from sewer system revenues. In the case of insufficiency of sewer system revenues, the principal and interest on said bonds shall be payable from the general funds of the Township.

RIGHT OF REFERENDUM

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE TOWNSHIP IS FILED WITH THE TOWNSHIP CLERK, OR IN THE TOWNSHIP CLERK'S ABSENCE, THE TOWNSHIP SUPERVISOR, WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE TOWNSHIP VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 517, Act 34, Public Acts of Michigan, 2001, as amended.

ROBERT E. KRUG  
TOWNSHIP CLERK  
CHARTER TOWNSHIP OF FENTON  
12060 MANTAWAUKA DRIVE  
FENTON MI 48430

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3. The Township Board has determined that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed was the method best calculated to give notice to the Township's taxpayers and electors of this Township's intent to issue the bonds, the purpose of the bonds, the security for the bonds and the right of referendum relating thereto, and the newspaper named for publication was determined to reach the largest number of persons to whom the notice is directed.

4. 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. 2006-41 as presented.

Motion by: Krug

Seconded: Carmody

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

Nays: None

Motion carried. Resolution declared adopted.

**Watercraft Access Issues – Lake Fenton**

Supervisor Mathis stated that she has received complaints that the Skipper Bud's Marina has been allowing non-riparians to launch boats onto Lake Fenton. The approved site plan for this property for the construction of a large boat storage facility also includes a restriction on the use of the boat launch. Since the project has not been developed, however, it is questionable if this restriction can be enforced. Pete Matta, the previous owner of the marina, voluntarily restricted use of the boat launch to limit non-riparian access to Lake Fenton. After a brief discussion the board determined that no action was warranted at this time, however the issue will be researched further.

**Enid Boulevard Zoning Issues**

Supervisor Mathis stated that a home built on Enid Boulevard includes two large deck/porch areas that extend beyond the rear yard setback requirement. The property owner applied for a variance after the structures were built but was denied. The property owner has taken no further action to remedy the situation and the board must decide if legal action is warranted. After further discussion it was noted that the subject property has been sold. The Township will contact the new owner before making any decision on legal action.

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

Dave Franz, 3435 Breezepointe Court

Mr. Franz agreed with Treasurer Carmody's comments about not micro-managing the PUD issue. He also expressed concern with the board's decision not to enforce the Zoning Ordinance regarding the Lakeside Acres issue. Attorney Cooley clarified that the Township's determined that the lot owners in question have riparian rights under the Zoning Ordinance. The enforcement decision relates to the private deed restriction, not the Zoning Ordinance.

Dave Hawcroft, 3302 Ponemah Drive

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Mr. Hawcroft stated that the Lakeside Acres situation seems like keyholing.

Supervisor Mathis asked the board for recommendations ASAP for candidates to fill the vacancy on the Zoning Board of Appeals.

**ADJOURN:** Meeting adjourned at 11:55 p.m.

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 9/7/06**