

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 16, 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:

Supervisor Mathis asked to have the following item added to the New Business section of the agenda:

Appointment to Loose Senior Citizen Center Board of Directors

Motion to approve the 10/16/06 Fenton Township Board Meeting agenda as amended.

Motion by: Brown

Seconded: Tucker

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 10/2/06 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: Carmody

Seconded: Zimmer

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

Community Development Block Grant Public Needs Hearing

Supervisor Mathis stated that Fenton Township would be receiving approximately \$100,000 in Community Development Block Grant (CDBG) funds in 2007. The purpose of this hearing is to accept public input and discuss potential uses of the funds.

Public Comment:

Margie Hodges, Loose Senior Citizen Center Director

Ms. Hodges presented a list of capital improvement projects for the Loose Senior Citizen Center that are potential uses for the grant funds:

1. Replace indoor/outdoor carpet on handicap ramps around Loose Hall and Activity Center

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2. New laminated and linoleum flooring for kitchen & bathrooms and carpet for the Activity Center and office.
3. New handicap door and ramp on north side of the hall.
4. Upgrade all handicap doors to accommodate handicap push-button openings.
5. Vehicle Storage and maintenance building.
6. Re-roof white house.
7. New Loose Center entrance sign and lighted flag pole.
8. Covering for shuffleboard court.
9. Walkway/pathway from LSCC to Shiawassee Shores.

Clerk Krug also noted that the Interlocal Agreement with the Loose Center obligates the Township to allocate 15% of our funds to operational costs for the center.

Trustee Zimmer also suggested that the older restrooms at the Loose Center are in need of renovation and should probably be considered a higher priority than some of the items on the list presented.

Ray Lord, 4520 Eleanor Drive

Mr. Lord would like to see funding for winterizing homes for senior citizens and other residents that meet the eligibility requirements.

Nancy Stockham, 229 S. Adelaide Street

Ms. Stockham is the director of G.R.A.C.E., a non-profit organization that provides clothing, food, counseling services and other assistance to area people in need. Any consideration for funding to this organization would be greatly appreciated.

Dave Franz offered to collection donations for Ms. Stockham's organization. He suggested that all elected and appointed officials consider donating \$100 each to help this very worthy cause.

Roger Rohr, 4205 Island View Drive

Mr. Rohr stated that the residents of Island View Drive have petitioned the Genesee County Road Commission for a special assessment district to repave their street. The current cost estimate is \$8,600.00 per lot. There is at least one, and possibly as many as five, households that may meet the low-moderate income requirements. He asked the board to consider allocated funds toward street improvements to provide assistance to those that might qualify.

Trustee Mathis stated that street improvements for Dalhart Drive, also on a direct benefit basis, would be a potential use for the funds.

Dave Franz, 3435 Breezepointe Court

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Mr. Franz suggested using the funds for a generator for the Township Hall. If the Township Hall is a designated storm shelter for the nearby mobile home par, this may be an eligible use of funds.

Sandra Williams, 1453 Butcher Road

Ms. Williams suggested using the funds for a bike path on Fenton Road and/or other main roads.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft agreed with Mr. Franz's comments about G.R.A.C.E. and urged the board to assist Ms. Stockham in any way they can.

Trustee Zimmer suggested using the funds for a counseling/support center or a teen center.

Clerk Krug suggested shutters for the windows in the lower level of the Township Hall to make it a safer storm shelter.

Trustee Tucker suggested creating a fund to assist low-moderate income residents with utility bill costs.

Trustee Brown suggested a warning siren for the Torrey Road area.

The potential projects discussed at this meeting will be reviewed and recommendations will be brought back to the 10/30/06 meeting.

REPORTS:

Ordinance Enforcement Quarterly Report

Supervisor Mathis reviewed the quarterly report from Ordinance Enforcement Officer Robert Atkinson.

Jennings Road Speed Limit

Trustee Brown reported that he had received a petition from Jennings Road residents requesting that the speed limit for Jennings Road between Thompson and Lahring Roads be reduced to 45mph. It has also been suggested that a warning sign of some type, (hidden driveway, limited sight distance, etc.), is needed for the hill on this segment of road. Supervisor Mathis stated that a request for a speed study will be forwarded, along with a copy of the petition, to the Genesee County Road Commission. The board also discussed the need for additional police patrols of this road, particularly when school lets out in the afternoon. Supervisor Mathis stated that Sheriff Department policy generally prohibits stationary radar speed monitoring, however she will discuss these concerns with Sheriff Pickell.

Consumers Energy Update

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Trustee Tucker reported that the Planning Commission approved, with conditions, a Special Use Permit for Consumers Energy to construct an electrical sub-station on North Road, just north of the City of Fenton water plant. Consumers still needs to obtain a road frontage variance from the ZBA and they will also address any potential problems created by the proximity of an existing cellular tower.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Rezoning #R06-001, Karl Jasinski, parcel 06-11-200-024, (2181 North Long Lake Road); Revision to PUD Rezoning/2nd Reading

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to revise the PUD conditions for property located at 2181 North Long Lake Road, which was introduced at the 10/2/06 meeting. The applicant is proposing to reduce the number of units from 8 to 4. The Planning Commission has conducted a public hearing on this proposed amendment and has recommended approval. Treasurer Carmody commended the developer, the Township staff and the Planning Commission for their efforts on this project.

Motion to adopt Ordinance No. 674, an amendment to Zoning Ordinance No. 594 to revise PUD conditions for parcel 06-11-200-024 and to approve the revised conceptual plan, as presented.

Motion by: Tucker

Seconded: Goupil

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

Nays: None

Motion carried. Ordinance declared adopted.

Rezoning #R06-006, Fenton Township Planning Commission, parcel 06-13-300-007, (south end of Wenwood Parkway), C-2 to R-3/1st Reading

Supervisor Mathis reviewed a proposed amendment to the Zoning Ordinance to rezone property located on Wenwood Parkway, next to Skipper Bud's Marina, from C-2 to R-3. This property was originally zoned residential and was unintentionally rezoned to C-2 when the new zoning map was adopted in 2002. This proposed amendment would simply restore the residential zoning classification. Trustee Tucker noted that the original rezoning application was submitted by Pete Matta. When the rezoning error was discovered, the Planning Commission felt that it was appropriate to initiate the rezoning on behalf of the Township.

Clerk Krug asked how the proposed rezoning might affect the approved site plan for the marina property. Trustee Tucker responded that the existing site plan includes a detention pond on the subject property. At this time it does not appear that the project will be built as originally designed. The building permit issued in 2005 has not yet been picked up and will expire in November. Even if that project is built, the detention pond would become a legal non-conforming use.

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There was no public comment. The second reading of the proposed rezoning ordinance will be conducted at the 10/30/06 meeting.

UNFINISHED BUSINESS:

Upcoming Meetings

Supervisor Mathis reminded the board that Fenton Township will be hosting the MTA Genesee County Chapter Meeting this Thursday 10/19/06 at 7:00 p.m.

A Township Board workshop meeting has been scheduled for Monday 10/23/06 at 7:00 p.m.

Supervisor Mathis also reminded the board that the next regular meeting will be Monday 10/30/06, rescheduled from 11/6/06. A special meeting has also been scheduled for October 30th at 6:00 p.m., prior to the regular board meeting. This meeting will be a closed session to discuss pending litigation.

NEW BUSINESS:

Loose Senior Citizen Center Representation

As discussed at a previous meeting, the Township needs to appoint a new representative to the Loose Senior Citizen Center Board of Directors. Supervisor Mathis recommends appointing Les Scott to this position. She believes he will do a fine job for Fenton Township.

Motion to appoint Les Scott as the Fenton Township representative on the Loose Senior Citizen Center Board of Directors.

Motion by: Mathis

Seconded: Brown

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

Nays: None

Motion carried.

Lot Split #LS06-002, Rosemary Nolkemper, division of parcel 06-33-501-014, (Lot #14 of Island View Estates, located at 4379 Island View Drive)

Supervisor Mathis reviewed a proposed division of a platted lot on Island View Drive. Trustee Tucker explained that the neighbor's landscaping, seawall and sprinkler system encroach upon Ms. Nolkemper's property by as much as 4 feet in some spots. The requested division would allow approximately 4 feet of lot 14 to be split off and combined with lot 15 to correct the encroachment problem. Trustee Tucker also reported that both resulting parcels will still conform to the Zoning Ordinance, and that the Planning Commission has recommended approval of the proposed division. There was not further discussion.

Motion to approve the requested division of parcel 06-33-501-014, as presented.

Motion by: Brown

Seconded: Tucker

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Ayes: Mathis, Krug, Carmody, Brown, Goupil, Tucker, Zimmer
Nays: None

Motion carried.

Appointment to Zoning Board of Appeals

Supervisor Mathis reported that the board recently reviewed potential candidates to fill the current vacancy on the Zoning Board of Appeals. After careful consideration, she is recommending the appointment of Randy Thompson to fill this seat.

Motion to appoint Randall Thompson to the Fenton Township Zoning Board of Appeals for the term ending November 30, 2007.

Motion by: Krug

Seconded: Brown

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

Nays: None

Motion carried.

Proposed Employment Agreement – Office Manager

Supervisor Mathis presented a proposed employment agreement for Office Manager Thomas Broecker for the years 2007-2010. This proposed 4-year agreement, which includes a title change to Operations Manager, was negotiated by the Personnel Committee and was previously reviewed by the Township Board at the 9/25/06 special meeting.

Trustee Tucker, Supervisor Mathis and Treasurer Carmody stated their support for the agreement. Mr. Broecker provides valuable service to this board and this township. His 12 years of knowledge and experience would make him extremely difficult to replace.

Trustee Zimmer voiced objection to the salary structure in the proposed agreement. She believes that 3.5% annual increases are too high for our current economic climate and she also believes that the salary should be capped at some point.

Treasurer Carmody stated that the level of responsibility for this position would likely carry a six-figure salary in the private sector. A cost-of-living annual increase of 3.5% is not excessive. Trustee Tucker agreed, stating that an annual increase that is less than cost-of-living might even send the wrong message. Trustee Goupil also supports the proposed agreement, pointing out that information obtained from the Michigan Township's association indicates that the position's current salary is near the bottom for comparable positions in similar sized townships.

Motion to approve the employment agreement between Fenton Township and Thomas Broecker, as presented.

Motion by: Krug

Seconded: Tucker

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

Nays: Zimmer

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Motion carried.

Proposed 2006-07 Law Enforcement Services Agreement

Supervisor Mathis reviewed the proposed 2006-2007 law enforcement services agreement with the Genesee County Sheriff Department. The total contract cost of approximately \$491,000 represents a 3.3% increase from our previous agreement.

Trustee Goupil, a Genesee County Sheriff Department Deputy, asked to be allowed to abstain from voting due to a conflict of interest.

Motion to allow Trustee Goupil to abstain from voting on the proposed Law Enforcement Services Agreement with the Genesee County Sheriff Department.

Motion by: Brown

Seconded: Tucker

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

Nays: Brown

Motion carried.

Motion to approve the 2006-2007 law enforcement services agreement with the Genesee County Sheriff Department as presented, and to authorize the Township Supervisor and Clerk to execute said agreement on behalf of Fenton Township.

Motion by: Brown

Seconded: Tucker

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

Nays: None

Abstaining: Goupil

Motion carried.

Proposed Cable EG Funding Agreement – Fenton Area Public Schools

Office Manager Broecker reviewed a proposed agreement to allocate cable Education & Government (EG) funds to Fenton Area Public Schools for the purchase of equipment. The Fenton Area Cable Television (FACT) Consortium has recommended approval of the agreement. Fenton Township's share of the total cost is \$31,261.31. It was also emphasized that this money comes from the 2% fee from Charter Communications and is not an expense to the Township. Treasurer Carmody reported that Fenton Schools currently has the oldest equipment of the three school districts, with much of it being analog rather than digital. The proposed equipment purchase will bring Fenton to the same level as Lake Fenton and Linden schools.

Motion to approve the Cable EG Funding Agreement for Fenton Area Public Schools, as presented.

Motion by: Carmody

Seconded: Brown

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

Nays: None

Motion carried.

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Resolution No. 2006-44, Sewer Bond Payments – 2007

Office Manager Broecker reviewed a letter from Genesee County Water & Waste Services requesting a resolution identifying the source of funds for payment of 2007 sewer bond debt obligations. Clerk Krug presented the following resolution:

RESOLUTION NO. 2006-44

WHEREAS, the Charter Township of Fenton has a need to pay to the County of Genesee the sum of \$2,529,858.49 to meet the bond principal and interest requirements on all bond obligations for sewer facilities in 2007; and

WHEREAS, there are several means by which the funds can be secured to meet this payment requirement; and

WHEREAS, all various means of securing these funds have been reviewed and considered;

NOW THEREFORE BE IT RESOLVED, by the Charter Township of Fenton, that the monies to meet the principal and interest requirements on all bond obligations for sewer facilities in 2007 will be secured from the following funds.

<i>Funds Already Available</i>	\$ _____
<i>Tap-In Fees to be Collected</i>	\$ <u>370,000.00</u>
<i>Funds from Monthly Rates for Services</i>	\$ <u>2,072,858.49</u>
<i>General Fund</i>	\$ _____
<i>Ad-Valorem Levy</i>	\$ <u>87,000.00</u>
<i>Other</i>	\$ _____
<i>Grand Total:</i>	\$ <u>2,529,858.49</u>

BE IT FURTHER RESOLVED, that the Township Clerk is hereby directed to forward one (1) copy of this Resolution to the County Agency, and retain one (1) copy for the Fenton Township records.

Motion to adopt Resolution No. 2006-44 as presented.

Motion by: Krug

Seconded: Carmody

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

Nays: None

Motion carried. Resolution declared adopted.

Resolution No. 2006-45, Opposing Ballot Proposal 06-05 (Mandatory School Funding Levels)

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The board reviewed a proposed resolution, as recommended by the Michigan Townships Association, to opposed Proposal No. 5 on the 11/7/06 ballot. This proposal, if approved, would guarantee annual funding increases to public schools and universities.

Trustee Brown stated that he does not believe it is the Township's business to take a formal position on a ballot proposal. This is an issue for the voters to decide.

Supervisor Mathis stated that the information provided indicates that, if approved, this proposal may significantly impact funding for local governments, including police, fire protection and EMS services.

Treasurer Carmody agreed, adding that it is important for everyone to understand how local governments would be impacted by this proposal.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2006-45

WHEREAS, a Michigan Education Association-led coalition under the name of "The K-16 Coalition for Michigan's Future," together with "Citizens for Education," is sponsoring a ballot proposal to implement a statutory guarantee to provide K-12 public schools, community colleges and state universities with automatic, annual, inflationary increases in state spending at the expense of everyone else (including local governments) who receives state funding, and

WHEREAS, the Fenton Township Board believes education is a critical component of a well-functioning society and prosperous economy and supports adequate funding for Michigan's K-12 school districts, community colleges and state universities; however, we oppose any efforts to provide guaranteed, annual inflationary increases in education spending that puts funding for other critical services in jeopardy, and

WHEREAS, the non-partisan Michigan House Fiscal Agency estimates that the K-16 proposal would cost Michigan citizens \$1.1 billion per year more than is already provided for in current education financing, and

WHEREAS, the K-16 proposal provides guaranteed increases in education funding but crowds out other critical funding needs at the local level (like police, fire and emergency services) by exhausting state budget funds available for state shared revenues, and

WHEREAS, state budget spending priorities should balance many public demands and not allow one special interest group to circumvent the legislative appropriations process to have their funding put on autopilot with no accountability to legislators or taxpayers, and

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WHEREAS, proponents of the K-16 spending mandate would like the public to believe that education spending has been “cut to the bone,” but the reality is that education spending accounts for one-third of the total state budget and K-12 spending increased by 42 percent between 1994 and 2004, and

WHEREAS, nothing in the lengthy petition language says anything about improving student achievement or higher educational standards, the K-16 proposal is about salary and benefits for Michigan’s teacher unions and allowing education interests to circumvent the legislative process; just last year the Legislature and Governor approved a \$200 per pupil increase and education groups advised that the increase was going to health care and pension costs without a dime going to the classroom, and

WHEREAS, the K-16 proposal would require automatic annual increases in education funding and could only be stopped if three-fourths of both the Michigan House and Senate voted to do so, and

WHEREAS, a coalition made up of more than 50 local government organizations (including the Michigan Townships Association), business groups and health care associations has been formed, named “Stop the K-16 Spending Mandate,” to defeat the K-16 proposal, and

NOW, THEREFORE, BE IT RESOLVED, that the Township Board of the Charter Township of Fenton, Genesee County, Michigan, strongly urges the defeat of Proposal 5, the “K-16 Spending Mandate Ballot Proposal”, that will face Michigan voters in the November 7, 2006 general election, and

BE IT FURTHER RESOLVED, that the Fenton Township Board believes that education should be one of the highest priorities in the state, but it should not come at the expense of police, fire, or emergency services, or necessary government programs like Medicaid.

Motion to adopt Resolution No. 2006-45 as presented.

Motion by: Brown

Seconded: Carmody

Ayes: Mathis, Krug, Carmody, Tucker

Nays: Brown, Goupil, Zimmer

Motion carried. Resolution declared adopted.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked for an update on the Torrey/Lahring traffic signal. Supervisor Mathis stated that the project is moving forward. The poles have now been installed and the signal should be in place soon.

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Tom Richard, 12425 Jennings Road

Mr. Richard asked where he could obtain more information on Proposal 5. It was suggested that information was available on websites both supporting and opposing the issue. State Representative Dave Robertson also mailed out a flyer recently that includes information on all of the ballot proposals.

Paul Kish, 13238 Wood Duck Court

Mr. Kish suggested that, in addition to possibly lowering speed limits and increasing police patrols on Jennings Road, the board should consider writing a letter to the Lake Fenton High School Principal regarding student speeding.

Ginger Hawcroft, 3302 Ponemah Drive

Ms. Hawcroft suggested that the board might also consider a letter to the Genesee County Sheriff regarding the speeding on Jennings Road. Supervisor Mathis stated that the Township will work with the Sheriff Department to address this situation.

ADJOURN: Meeting adjourned at 9:50 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 10/18/06