

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF NOVEMBER 20, 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 Operations Manager Broecker.

Absent: None

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 11/20/06 Fenton Township Board Meeting agenda as presented.

Motion by: Brown

Seconded: Tucker

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 10/30/06 special and regular meetings stand approved as presented.

EXPENDITURES:

Treasurer Carmody, referring to a memo of explanation from Operations Manager Broecker, noted that the expenditures for Bostwick Excavating and Lawrence Engineering reflect several months' worth of invoices. They agreed to continue working on the various sewer projects with the understanding that funds would not be available until later in the year. With the sale of a Bond Anticipation Note last week, the funds are now available to "catch up" these accumulated expenditures. Motion to approve expenditures as presented, acknowledging the payment of deferred invoices.

Motion by: Carmody

Seconded: Brown

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

Hidden Ridge III Street Lighting Special Assessment District/Hearing of Necessity

Supervisor Mathis opened the first public hearing for a proposed special assessment district for street lights in Phase III of the Hidden Ridge condominium development. The total cost of the project is approximately \$1,200.00 per year. The board will accept comment regarding the following:

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

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

RESOLUTION NO. 2006-48

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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 street lighting 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 20th day of November 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 Hidden Ridge III Street Lighting 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 maintenance of street lights in Phase III of the Hidden Ridge condominium development as prepared and presented, and the estimated costs thereof of \$1,200.00 per year, 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 Hidden Ridge II Street Lighting Special Assessment District, within which the costs of such improvements shall be assessed, the following described area within said township:

Units 81-112 of the Hidden Ridge Condominium development

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. 2006-48 as presented.

Motion by: Krug

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

Motion carried. Resolution declared adopted.

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

RESOLUTION NO. 2006-49

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 \$1,200.00 per year, covering all parcels of land within the Hidden Ridge III Street Lighting 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 December 4, 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 Hidden Ridge III Street Lighting 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. 2006-49 as presented.

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

Motion carried. Resolution declared adopted.

2007 Fenton Township Budget Hearing

Supervisor Mathis reported that a draft of the proposed 2007 Fenton Township budget has been prepared and has been on file at the Township office since the 10/30/06 meeting. Operations Manager Broecker reviewed the draft budget, which includes no change to the Fund Balance (i.e. expenses = revenues). The proposed millage rates are 0.7125 for the General Fund and 0.1167 for the Sewer Fund. Treasurer Carmody asked for clarification of the Township's millage rates, even though we are a charter township.

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Operations Manager Broecker explained that if the Township had become a charter township by a vote of the electors, the Township's authorized millage would have been established at 5 mills at that time. Since Fenton Township became a charter township by Township Board resolution, our millage was locked at 1.04 mills in 1980. Application of the Headlee rollback factor over the years puts our current maximum at 0.7125 mills.

There was no public comment. A General Appropriations Act resolution will be prepared and presented at one of the December board meetings to formally adopt the 2007 budget.

REPORTS:

None

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Proposed Watercraft Control Ordinance – McCully Lake/2nd Reading

Supervisor Mathis reviewed a proposed watercraft control ordinance for McCully Lake, which was introduced at the 10/30/06 meeting. If adopted, the proposed ordinance, which is based on findings and recommendations from the DNR, would establish McCully Lake as a no-wake/electric motor only lake. Trustee Brown pointed out that nearly 100% of the lake residents are in favor of this ordinance. The small size of the lake and the many adjacent wetland areas easily justify the restrictions outlined in the ordinance.

Motion to adopt Ordinance No. 676, a watercraft control ordinance for McCully Lake, as presented.

Motion by: Brown

Seconded: Tucker

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

Nays: None

Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS:

Riparian / Lake Access Issues – Skipper Bud's Marina

Supervisor Mathis reported that the Township has received complaints that the Skipper Bud's Marina has been allowing non-riparians to launch their boats onto Lake Fenton. The board reviewed the Zoning Ordinance provisions relating to riparian access.

Public Comment:

Chuck Marcotte, 14034 Moffett Drive

Mr. Marcotte believes that the launching of boats at the Skipper Bud's Marina is a violation of Township ordinances. He has no objection to the launching of boats owned by Lake Fenton riparians and those that rent slips at the marina, however other non-riparians are also launching boats there. Mr. Marcotte is concerned that these additional boats could lead to overcrowding on the lake, have a negative environmental impact on the lake, create increased safety problems and negatively affect property values. He noted that the approved PUD project for this property included a condition that there would be no public launching of boats from this site.

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Supervisor Mathis agreed that the PUD conditions do prohibit boat launching, however the PUD project has not moved forward and this condition is, therefore, unenforceable. Attorney Cooley agreed. Trustee Tucker also agreed, adding that we may want to research what rights are granted to the marina relative to boat launching. Supervisor Mathis agreed to research the issue further and report back to the board and to Mr. Marcotte.

NEW BUSINESS:

Appointments to Southern Lakes Parks & Recreation Board

Supervisor Mathis reviewed a memo from Southern Lakes Parks & Recreation (SLPR) Director Vince Paris indicating that Alberta Martin has withdrawn her name from consideration for re-appointment to the SLPR board. Supervisor Mathis also referenced a letter from Rick Selley indicated that he also does not wish to be re-appointed to the SLPR Board. Both have served as representatives of Fenton Township on this board since it's inception in 2000 and both have done an outstanding job. Both terms will expire at the end of this year and it would be prudent to make the new appointments as soon as possible to allow the new members an opportunity to learn more about their duties before their term begins.

Motion to appoint K.C. Baran as a Fenton Township representative on the Board of Directors of the Southern Lakes Parks & Recreation Metropolitan District, for the term ending December 31, 2009.

Motion by: Mathis

Seconded: Tucker

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

Nays: None

Motion carried.

Motion to appoint Daniel Zawlocki as a Fenton Township representative on the Board of Directors of the Southern Lakes Parks & Recreation Metropolitan District, for the term ending December 31, 2009.

Motion by: Brown

Seconded: Krug

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

Nays: None

Motion carried.

K.C. Baran, who was in attendance, thanked the board for the opportunity to serve on the SLPR board.

Proposed Cable EG Access Fee Funding Agreement – Linden Community Schools

Operations Manager Broecker reviewed a proposed agreement to allocate cable Education & Government (EG) funds to Linden Community 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 \$37,556.67. 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 stated that he supports the project, however he is concerned that this application was approved at a FACT Consortium meeting of which he was not notified. He will pursue that communication issue separately but does not wish to delay the project.

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Motion to approve the Cable EG Funding Agreement for Linden Community Schools, as presented.

Motion by: Carmody

Seconded: Brown

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

Nays: None

Motion carried.

Proposed 2007 Fenton Township Meeting Schedule

Operations Manager Broecker reviewed the proposed meeting schedule for 2007. Both the Planning Commission and Zoning Board of Appeals have reviewed and OK'd the proposed schedule.

Motion to adopt the 2007 Fenton Township Meeting Schedule as presented.

Motion by: Krug

Seconded: Tucker

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

Nays: None

Motion carried.

OTHER ISSUES:

Clerk Krug reported that a new traffic signal was installed in Grand Blanc Township because of a new school facility opening up. He would like the Township to request copies of studies and other documentation that were used to justify this traffic signal, especially since it was installed prior to the school being opened. Supervisor Mathis suggested that Mr. Krug should make that request.

Supervisor Mathis acknowledged the presence of two high school students at this evening's meeting. Steven Taubitz and Jen Ferrier, both juniors at Linden High School, are attending tonight's meeting as part of a school assignment. The board thanked Mr. Taubitz and Ms. Ferrier for their attendance.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Susan Foland, 11421 Fairbanks Road

Ms. Foland asked for an update on the televising of Township meetings. Treasurer Carmody stated that letters were sent to the three school districts in an attempt to establish partnerships whereby students would perform the majority of the work for recording and broadcasting. He will follow up those letters with telephone calls and hopes to have the project moving forward before the end of the year.

Tom Richard, 12425 Jennings Road

Regarding the boat launching issue, Mr. Richard asked if there were a large number of boats being launched at Skipper Bud's Marina. The consensus of the board was that the number, while not known exactly, is actually rather small.

David Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft:

- Asked if the street light project discussed last year for Marl Drive and adjacent streets was ever completed. Operations Manager Broecker confirmed that the special assessment was approved and the lights were installed in 2005.

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- Thanked Trustee Brown for his roll in having no-parking signs installed at the Lake Ponemah public access site.
- Stated that the beacon flasher at the Torrey/Lahring intersection is very visible.
- Expressed concern over the length of time that the sewer treatment plant has been under construction.
- Asked about the status of the Ragnone lawsuit. Attorney Cooley stated that the Court of Appeals sided with the Township and upheld the lower court's dismissal of the case. Mr. Ragnone has indicated that he will still pursue this issue.
- Expressed concern regarding the increases to cable television rates and hopes that there will be more competition soon.

ADJOURN: Meeting adjourned at 9:00 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 11/22/06