

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MAY 7, 2007**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER  
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Supervisor Mathis called the meeting to order at 7:40 p.m.

Present: Mathis, Krug, Carmody, Brown, Goupil, Tucker, Zimmer, Operations  
Manager Broecker and Attorney Cooley

Absent: None

**PLEDGE OF ALLEGIANCE:**

Supervisor Mathis led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Supervisor Mathis requested that the following item be added to the New Business section of the agenda:

*Proposed Drainage Improvements Special Assessment – Lakeside Landing*

Motion to approve the 5/7/07 Fenton Township Board Meeting agenda as amended.

Motion by: Tucker

Seconded: Carmody

Ayes: All

Nays: None

Motion carried. The agenda is approved.

**PRESENTATION:**

**Plante & Moran, PLLC-Financial Report for Fiscal Year Ended December 31, 2006**

Supervisor Mathis introduced Tadd Harburn of Plante & Moran, PLLC. Mr. Harburn provided an overview of the government-wide financial statements, which were a new requirement beginning with the 2004 fiscal year under the revised standards of the Government Accounting Standards Board (GASB). These additional financial statements are designed to provide a better global view of the Township's financial condition from a long term perspective. No internal control deficiencies were noted in the review of accounting policies and procedures.

Mr. Harburn then reviewed the individual fund statements. Areas highlighted included:

- ⇒ Total fund balance in the General Fund increased by \$60,201 to a total of \$502,153, which represents just under 3 months of budgeted expenditures. Plante & Moran is recommending that the General Fund balance should not be reduced below its current level and consideration should be given to increasing it to 3-4 months of expenditures, if possible.
- ⇒ General Fund revenues increased \$45,152 from 2005, due primarily to property tax revenues and interest.
- ⇒ General Fund expenditures decreased approximately \$274,000 from 2005, due primarily to a decrease in local road improvement project funding.
- ⇒ All Special Revenue Funds, (Fire Protection, Solid Waste and Mosquito Control), are financially stable with adequate fund balances.
- ⇒ The Sewer Fund showed an operating income of \$634,623 versus an operating loss in 2005 of \$413,785. This \$1.048 million improvement is attributable to the user rate increase implemented by the Township.

Mr. Harburn also noted that a reporting deficiency was discovered during this year's audit that fell into the category of a "significant weakness". Activity for four special assessments that were funded by bonds has been recorded in the Township's Trust &

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Agency Fund since their inception. All accounts were in balance, all funds were accounted for and all entries were posted in a timely manner, however it was determined during the course of the audit that the debt service activity for these special assessments should have been reported in a debt service fund, rather than an agency fund, to properly reflect the annual activity. The Township was not previously aware of this requirement and the oversight was not discovered during previous audits. The appropriate funds have been established and the appropriate adjustments have been made. Mr. Harburn emphasized that this deficiency falls into the category of a "technicality" and is not an indication of internal control problems.

**MEETING MINUTES:**

Regarding Susan Foland's question during the public comment portion of the meeting regarding the debt payment on the Township Hall reconstruction, Trustee Zimmer asked that the total amount of the annual payment be included in the minutes. The minutes of the 4/16/07 regular meeting stand approved as revised.

**EXPENDITURES:**

Trustee Zimmer asked for clarifications regarding invoices from Advanced Pest Management, Genesee County Water & Waste Services and Weir Construction. Operations Manager Broecker reviewed the invoices and noted that the \$25,078.91 invoice from APM was the first of six installments. The \$154,064.17 invoice from WWS is a monthly charge for sewer treatment. The \$27,727.50 invoice from Weir Construction is a partial payment for repairs to the Township Hall. Motion to approve expenditures as presented.

Motion by: Carmody

Seconded: Tucker

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

Nays: None

Motion carried.

**PUBLIC HEARINGS:**

**Rezoning #R07-003, Hartland Developers LLC., Parcel 06-27-100-021 (3472 W. Silver Lake Road); Amendment to Existing PUD Conditions & Conceptual Plan/Public Hearing & 1<sup>st</sup> Reading**

Supervisor Mathis opened a public hearing regarding a proposed amendment to an existing PUD for property located at the south end of Lake Ponemah. The Planning Commission has recommended approval of the amendment.

Trustee Tucker reported that the developers are proposing to change the type of development from attached to detached single family residential units. The total number of units would be reduced from 26 to 22, (which matches the 22 boat slips previously approved), with modifications to setback requirements and a revised conceptual plan.

Developer Dan McGuire stated that the proposed changes will result in an overall higher quality development with better marketability than traditional condominiums.

Public Comment:

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft questioned the number of boat slips in relation to the frontage on the water. The Township's Zoning Ordinance permits one dock per 100 feet of lake frontage. Trustee Tucker clarified that, because the subject property previously operated as a

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commercial marina with a boat launch and fuel tank, it fell under specific provisions in the Zoning Ordinance, which grants more docks or boat slips for a PUD redevelopment project than would otherwise be permitted. Mr. McGuire added that the actual number of permitted slips under the ordinance would be 26 or 27, but they settled on a total of 22.

Geraldine Geske, 3398 Ponemah Drive

Ms. Geske asked specific questions about the proposed development. Mr. McGuire confirmed that the houses would be 2-story homes with garages. Access to the development will be from Ponemah Drive. Trustee Tucker explained that landscaping will be addressed at the time of site plan review.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft stated that he is opposed to this proposed development using Ponemah Drive for access.

The second reading of the proposed amendatory ordinance will be conducted at the 5/21/07 meeting.

**REPORTS:**

**Fenton Road Project Update**

Supervisor Mathis reported that the Genesee County Road Commission is giving strong consideration to revising the scope of the Fenton Road widening project. It now appears that widening to 3 lanes, rather than 5, is a strong possibility. Supervisor Mathis also noted that the Genesee County Metropolitan Planning Commission (GCMPC) is holding a public input session for transportation projects on Wednesday 5/9/07 at the Lake Fenton Middle School, beginning at 5:30 p.m. Board members and residents are encouraged to attend.

**Road Projects**

Trustee Zimmer reported that she attended the Metro Alliance Technical Advisory Committee (TAC) meeting last week. She distributed copies of the long range plans for primary road projects, including several in Fenton Township. It was noted that the long range plan still includes widening Fenton Road to 5 lanes. She encouraged the board members and the public to stay informed and voice their concerns on these issues. Clerk Krug noted that the long range plan also calls for Thompson Road to be widened to 5 lanes between US-23 and Torrey Road.

**Sewer Project Update**

Trustee Zimmer reported that restoration efforts for sewer projects completed over the past several months are nearing completion. She also reported that the Whitaker Road sewer project has been reduced in scope. New technology now allows sections of sewer line that are sagged and full of water to be clearly videotaped and, as a result, it was determined that the condition of the lines in the Whitaker Road area was not as bad as anticipated. The MDEQ has issued the permit for the Torrey Road project, which will be bid out soon. The Township has also begun the process of video "re-inspection" of the sewer lines. One of five sectors will be completed each year to establish a permanent rotating schedule. The area on the east side of Fenton Road is this year's sector.

**COMMUNICATIONS:**

**Household Hazardous Waste Collection Day**

Supervisor Mathis reviewed information regarding the upcoming Household Hazardous Waste Collection day on Saturday 5/19/07. Collection locations are the Flint East Water

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Center on East Court Street and Grand Blanc High School. These collection efforts are an environmentally responsible way to dispose hazardous materials such as used motor oil, car batteries, pesticides and used tires.

**Public Hearing – Proposed Expansion of Genesee County Road Commission**

Supervisor Mathis reviewed a notice from the Genesee County Board of Commissioners regarding an upcoming public hearing on the proposed expansion of the Genesee County Road Commission from three to five members. The public hearing will be held Tuesday 5/22/07 at the Harris Auditorium of the Genesee County Administration Building, beginning at 9:00 a.m.

Public Comment:

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked if the Township Board was aware that the local Road Commission foreman, Fred Jackson, had been transferred to the Atlas Township facility. Supervisor Mathis responded that the Township was aware of this fact and that the new local foreman, Aaron Lawrence, is working very well with the Township on several ongoing issues. Treasurer Carmody commented that both Mr. Jackson and Mr. Lawrence do an outstanding job for the Road Commission. Clerk Krug complimented the Road Commission for their pavement patching efforts on North Road and Jennings Road.

Joe Wardie, 13255 Horrell Road

Mr. Wardie stated that it is his understanding that the Road Commission is planning a chip & seal resurfacing for North Road. He believes that repaving the road is a better alternative.

**ADOPTION OF ORDINANCES:**

None

**UNFINISHED BUSINESS:**

**Local Road Improvement Contract - GCRC**

Supervisor Mathis noted that the board tentatively approved a limestone resurfacing project for the Odell Road/Thompson Road triangle west of Linden Road at the 3/19/07 meeting. The appropriate contract has been prepared by the Genesee County Road Commission for board consideration and formal approval. The Township's share of the cost is approximately \$14,500.00.

Motion to approve the local road improvement agreement with the Genesee County Road Commission, as presented, and to authorize the Township Supervisor and Township Clerk to execute said agreement on behalf of Fenton Township.

Motion by: Carmody

Seconded: Brown

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

Nays: None

Motion carried.

**Scheduling of Workshop Meeting**

Supervisor Mathis stated that she would like to schedule a workshop meeting before the next regular board meeting. There are a number of ordinances before the Planning Commission at their next meeting that should be reviewed and discussed at a workshop

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prior to formal introduction. After a brief discussion the board scheduled a workshop meeting for Monday 5/14/07 at 7:30 p.m.

**NEW BUSINESS:**

**Donation of Pioneer Memorial Association Property**

Supervisor Mathis noted that the Pioneer Memorial Association of Fenton & Mundy Townships approached the Township in 2003 wanting to donate their property to Fenton Township. The property includes a museum building, Podunk House and an old cemetery. The Township Board was unable to take action on the request four years ago because the association did not have clear title to the property. The title issues have now been resolved and the appropriate documentation is presented this evening for board consideration. The proposed agreement includes specific conditions that will allow the members of the association to continue to operate and manage the property much the same as they have in the past.

Wayne Butts, represent the association, stated that he is pleased that we have reached the point where the donation can take place.

Motion to approve the agreement to transfer ownership of property from the Pioneer Memorial Association of Fenton & Mundy Townships to the Charter Township of Fenton, as presented.

Motion by: Krug

Seconded: Brown

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

Nays: None

Motion carried.

**Uniform Video Service Local Franchise Agreement – Charter Communications**

Operations Manager Broecker reported that Public Act 480 of 2006 was signed into law late last year. This new legislation provides a streamlined process for cable television providers to obtain a local franchise agreement, utilizing a state-provided standard application form. The new law also removes many of the controls that local governments had under the previous law. There are a number of issues that need to be addressed in both the Township's Utility Control Ordinance and Zoning Ordinance to deal with these concerns. Our ordinances will be reviewed and amendments drafted as soon as practical.

In the mean time, the Township is under very strict time limits to take action on a new franchise agreement for Charter Communications. Since our previous franchise agreement had expired, Charter submitted, as required by the new law, a *Uniform Video Service Local Franchise Agreement* to Fenton Township on April 11<sup>th</sup>. Local governments have a period of 15 days in which to determine if the franchise agreement is complete, and a total of 30 days from submission to approve or reject the franchise agreement. The Township has already confirmed to Charter, within the required 15 days, that the proposed agreement is complete as defined in PA 480. Board approval of the agreement is now needed in order to preserve the Township's franchise fee and PEG fees. Included in the meeting packet for board consideration is the completed application for Charter Communications. The franchise fee and PEG fee remain the same as the previous franchise, (5% and 2%, respectively).

Trustee Zimmer noted that there had been previous discussions regarding the concept of approving the franchise "under protest". Operations Manager Broecker responded that

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he had discussed this with both Mike Senyko of the City of Fenton and new Linden City Manager Chris Wren. It was determined that the best approach would be to simply approve the franchise, while working on updating existing ordinances to increase local controls, especially for new providers. Treasurer Carmody agreed that addressing these ordinances is essential to maintain what little control the Township may have left under the new law.

Motion to approve the Uniform Video Service Local Franchise Agreement with Charter Communications as presented.

Motion by: Tucker

Seconded: Krug

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

Nays: Goupil

Motion carried.

**Proposed Drainage Improvements Special Assessment District-Lakeside Landing**

Operations Manager Broecker reported that residents on Lakeside Landing have petitioned for a special assessment district to construct drainage improvements in their neighborhood. A resolution to schedule a public hearing is the first step in the process.

Public Comment:

William Munro, 13254 Lakeside Landing

Mr. Munro stated that the current flooding problems didn't exist until Fenton Road was widened for the entrance to the McCully Lake Estates No. 2 development. He feels that the developer or the Road Commission is responsible for the problems.

Clerk Krug presented the following resolution:

**RESOLUTION NO. 2007-14**

*WHEREAS, the Fenton Township Board has accepted a petition from the record owners of properties abutting Lakeside Landing to establish a special assessment district for the construction of drainage improvements within the proposed district, and*

*WHEREAS, it has been determined that the petition has been signed by the record property owners representing over 50% of the land area in the proposed special assessment district, and*

*WHEREAS, plans and estimated costs for the foregoing drainage improvements have been placed on file in the office of the Township Clerk,*

*THEREFORE BE IT RESOLVED, that the Fenton Township Board does hereby tentatively declare its intent to construct drainage improvements in the Lakeside Landing area, and*

*BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby tentatively establish the boundaries of the proposed special assessment district to include the following parcels:*

06-13-100-001	06-13-501-006
06-13-501-001	06-13-501-007
06-13-501-003	06-13-501-010
06-13-501-004	06-13-501-011
06-13-501-005	06-13-501-017

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06-13-501-018  
06-13-501-019

06-13-501-020  
06-13-501-021

and

*BE IT FINALLY RESOLVED, that the Fenton Township Board will hold a public hearing on the establishment of the proposed special assessment district at its regular meeting to be held on Monday May 21, 2007 at the Fenton Township Civic Community Center, beginning at 7:30 p.m.*

Motion to adopt Resolution No. 2007-14 as presented.

Motion by: Krug

Seconded: Tucker

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

Nays: None

Motion carried. Resolution declared adopted.

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

Susan Foland, 11421 Fairbanks Road

Ms. Foland asked if the workshop meeting will be on the Township's website. Supervisor Mathis confirmed that the agenda will be on the website.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft complimented the Road Commission for repairs on North Road. He also asked if Consumers Energy is building an electrical substation on North Road. Supervisor Mathis confirmed that they are. Mr. Hawcroft asked about a yellow airplane that was flying very low over areas of the Township a couple of weeks ago. Clerk Krug responded that this plane was dropping larvacide into swampy areas that could not be reached by vehicle or on foot. This is a part of the Township's mosquito control program. Mr. Hawcroft asked if there could be more marine patrol presence on Lake Ponemah in an effort to control speeding. Trustee Goupil stated that he is in the process of scheduling a meeting for the Lake Fenton Property Owners Association with the Marine Patrol. That meeting could be expanded to include other lakes.

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

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 5/10/07**