

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF SEPTEMBER 4, 2007**

**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, Operations
Manager Broecker and Attorney Cooley

Absent: None

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

Supervisor Mathis also advised the audience that this meeting was being recorded for telecast on local public access television.

APPROVAL OF AGENDA:

Motion to approve the 9/4/07 Fenton Township Board Meeting agenda as presented.

Motion by: Brown

Seconded: Tucker

Ayes: All

Nays: None

Motion carried. The agenda is approved.

PRESENTATION:

Jeff Wright – Genesee County Drain Commissioner

Supervisor Mathis introduced Genesee County Drain Commissioner Jeff Wright. Since there was considerable discussion at the last meeting regarding drainage issues, Mr. Wright was invited to this meeting to speak to those issues, as well as any other relevant topics. Commissioner Wright introduced Sue Kubic, Senior Drain Engineer and Joe Goergen, Linden wastewater treatment plant manager. The following topics were discussed:

Egyptian Drain

Commissioner Wright explained that the Egyptian Drain was originally constructed in the 1920's. Surface water runoff in the area north of Owen Road, west of US-23 and east of Jennings Road, which includes the Silver Parkway area, flows to this drain. Parts of Fenton Township also use this drain, which flows to Lake Ponemah and ultimately into the Shiawassee River. The Drain Commissioner's office can only regulate the volume of water that flows into county drains. Water quality issues, such as pollution, are under the jurisdiction of the MDEQ. NPDES Phase II requirements may give local units more control over quality issues, however funding will be a major obstacle.

Weed Control Issues

Trustee Brown noted that a Lake Ponemah resident regularly expresses his concern regarding the harvesting of weeds in the Fenton mill pond, which ultimately flow into Lake Ponemah. Commissioner Wright clarified that his office has no jurisdiction over weed control efforts. Those activities are regulated by the MDEQ.

Drainage for New Developments

Trustee Brown asked if the County has established criteria for new development with respect to drainage issues. Commissioner Wright stated that the responsibility to approve new developments lies with the local unit of government, who make the

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decisions regarding density, layout, etc. The Drain Commissioner's office will then require the development to include the necessary drainage improvements to prevent problems for existing county drains. Any new development must detain surface water, through the use of detention ponds and other drainage structures, to ensure that water does not leave the site at a faster rate than before the development.

Trustee Zimmer asked if a development was every denied due to drainage issues. Commissioner Wright clarified that he cannot deny access to a county drain. As previously stated, his office must ensure that drainage from new developments is controlled so the runoff is no greater than the pre-development rate.

Sewer Rates for Well Owners

Trustee Goupil asked Commissioner Wright about a letter to the editor in a local newspaper regarding sewer rate increases for residents on private wells. Commissioner Wright clarified that a sewer rate adjustment is being implemented for District 1. Since Fenton Township is in District 3, this change does not affect our residents.

Lake Ponemah Lake Level

Supervisor Mathis asked about the established lake level for Lake Ponemah. Many residents have complained that the level is too low this year. Commissioner Wright stated that his office controls the level of the Linden Mill Pond, which affects the level of Lake Ponemah. The level of the Linden Mill Pond was established by the courts several decades ago. They must work within the established guidelines, which may result in fluctuating levels in Lake Ponemah. Other factors, such as rainfall and the flow in the Shiawassee River, will also impact the lake level.

Sanitary Sewer Improvements

Treasurer Carmody noted that the Township has expended large amounts of money over the past five years to rehabilitate the sanitary sewer system, with more work yet to be done. Have these efforts had an impact on the treatment plant? Commissioner Wright noted that a 1-2" rain in 2001 would typically result in a daily flow of over 20 million gallons through the treatment plant. Recent rain events of a similar nature now result in a spike to only 6-7 million gallons. This flow reduction is directly attributable to the efforts of Fenton Township to repair its system and reduce the amount of inflow and infiltration into the sewer.

Detention vs. Retention

Trustee Tucker asked if the County ever allows retention ponds rather than detention and if developers are every required to make offsite improvements to drains. Commissioner Wright explained that detention ponds may be constructed so that they retain some water all of the time, (commonly referred to as a "wet basin"). This would allow a development to maintain a water feature but still have an outlet to the county drain. Regarding offsite improvements, Commissioner Wright stated that developers typically only make improvements on their own property. In some situations, however, a development may also be responsible for offsite improvements, although this is rare.

Trustee Tucker complimented Commissioner Wright and his staff for the service they provide to local government. He has received many positive comments regarding the Drain Commissioner's office from officials at other Genesee County communities. Trustee Zimmer also commended Mr. Goergen for his work at the treatment plant.

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Public Comment:

Randy Kinne, 14216 Landings Way

Mr. Kinne asked if the river between Lake Ponemah and the Linden Mill Pond could be dredged out to improve the water flow. Commissioner Wright stated that there is a restriction in that part of the river that delays the impact on Lake Ponemah when the Linden Mill Pond dam is lowered. A study was completed many years ago regarding this issue and it could be looked at again.

The board thanked Commissioner Wright, Ms. Kubic and Mr. Goergen for taking the time to attend tonight's meeting. The information provided was very helpful.

MEETING MINUTES:

The minutes of the 8/20/07 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures for payment as presented.

Motion by: Brown

Seconded: Carmody

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

Fire Chief Report

Fire Chief John Moulton reported that the Fire Department responded to 72 alarms in August, 8 of which were directly related to the storms on 8/24/07. There were a total of 9 runs to Tyrone Township. The new rescue squad trucks are due to be delivered in early October.

Clerk Krug asked how many man hours were put in by Fenton Township Fire Department personnel as a result of the storms. Chief Moulton stated that approximately 300 hours were expended.

Trustee Brown commended Chief Moulton and the entire fire department for their efforts, especially in light of the large-scale disasters that have occurred in neighboring communities this year.

Public Comment:

Ed Collins, 13056 Harbor Landings

Mr. Collins asked if the Township has made any changes to the fees being charged to Tyrone Township for fire services. Supervisor Mathis noted that the current agreement will expire in April, 2008. The fees will be reviewed and adjusted as necessary before a new agreement is approved. Trustee Goupil asked if the Township is receiving enough revenue from Tyrone Township to offset expenses. Chief Moulton stated that the fees generated by the agreement are adequate.

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Building Inspector Report

Supervisor Mathis stated that this report will be moved to the 9/17/07 meeting.

Sewer Update

Supervisor Mathis reported that recent power outages caused up to 11 pump stations to be without power for 28 hours. The emergency response teams were able to keep the system operating with generators without the need for pump trucks.

The sewer repair project for Log Cabin Point is currently in progress. Timing for the Margaret Drive project has yet to be determined. The Lakeside Landing project will begin as soon as the DEQ permit is issued.

Additionally, a planned conference call meeting with Representative Dave Robertson and Consumers officials was cancelled. A new meeting has been scheduled for 9/10/07 from 10:00 a.m. to 12:00 p.m. at the Consumers Energy building on Court Street in Flint.

Storm Aftermath

Supervisor Mathis reported that the Fenton Chamber of Commerce had issued a warning to watch for individuals posing as FEMA representatives after the storms and tornadoes in the Fenton area. There are no federal or state agencies involved and any such incidents should be reported to the police. Any contractors performing work without the permission of the property owner should also be reported to the police.

Clerk Krug added that the level of cooperation throughout the community after the storms was very impressive. Although it was ultimately not needed, Lake Fenton Schools was prepared to use their facilities as emergency shelters for storm victims.

Pioneer Day

Supervisor Mathis reported that the Pioneer Association will hold their annual Pioneer Day on Saturday 9/8/07. The even includes tours of Podunk House, a pancake breakfast, craft show, rummage sale and other activities.

Torrey/Lahring Intersection Project

Supervisor Mathis reported that the project to expand the Torrey/Lahring intersection will begin on 9/6/07. Work is expected to be completed by 10/31/07. The intersection will be closed to thru traffic during this time.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Rezoning #R07-002, Lahring Linden LP, Parcel 06-09-300-036, (4486 Lahring Road); R-3 to PUD/2nd Reading

Supervisor Mathis reviewed the proposed PUD rezoning for property located on Lahring Road east of Linden Road, which was introduced at the 8/20/07 meeting. This is the second reading of the ordinance that incorporates a 90-unit development. If the board wishes to further consider the 105-unit plan, a different ordinance would need to be drafted and re-presented.

Trustee Brown thanked the applicant for providing two plans for the Township to consider. Trustee Zimmer asked if the 90-unit plan complies with the Township's Zoning

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Ordinance. Attorney Cooley confirmed that it does. Trustee Zimmer also questioned condition #12 in the ordinance, which give the township the ability to rezone the property after two years if continual progress is not demonstrated. Trustee Tucker explained that this language has become a standard for all PUD rezonings. It is comparable to existing Zoning Ordinance language that applies to non-PUD developments.

Mustafa Gheriani, a partner in the proposed development, explained that economic conditions have led to submission of the new plan, which contains smaller lots and more open space. They would prefer the 105-unit plan with 10 barrier-free duplexes, especially since they have to deal with considerable drainage problems from offsite. They hope to build a development that provides quality housing to home buyers, including particular attention to energy efficiency, an area where many builders save money by cutting back on insulation, energy efficient windows, etc. On a related note, he would like to see the Township adopt stricter energy standards to increase the quality of homes built in our community.

Motion to adopt Ordinance No. 689, an amendment to Zoning Ordinance No. 594 to rezone parcel 06-09-300-036 from R-3 to PUD, as presented.

Motion by: Brown
Seconded: Goupil
Ayes: Mathis, Carmody, Brown, Goupil, Tucker, Zimmer
Nays: Krug

Motion carried. Ordinance declared adopted.

Clerk Krug clarified that he voted no because he supports the 105-unit plan.

Rezoning #R07-005, Kevin Hill, Part of Parcel 06-03-100-010, (Thompson Road west of Phoenix Drive); C-3 to M-2/2nd Reading

Supervisor reviewed a proposed Zoning Ordinance amendment to rezone property on Thompson Road from C-3 to M-2, which was introduced at the 8/20/07 meeting. There was no further discussion.

Motion to adopt Ordinance No. 690, an amendment to Zoning Ordinance No. 594 to rezone part of parcel 06-03-100-010 from C-3 to M-2, as presented.

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

Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS:

Proposed Revisions to Township Board Committee Appointments

After review and discussion, the following committee appointments were presented for approval:

Internal Committees /Appointments

Planning Commission

John R. Tucker

Zoning Board of Appeals

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Mark A. Goupil

Election Commission

Robert E. Krug, Chair
Tony L. Brown
John R. Tucker

Fence Viewer

Robert E. Krug

Public Safety Committee (Police & Fire)

Mark A. Goupil, Chair
Robert E. Krug
Tony L. Brown

Building & Facilities Committee

Bonnie K. Mathis
Robert E. Krug
John R. Tucker

Parks & Recreation Committee

Robert E. Krug - Chair
Tony L. Brown
Mark A. Goupil

Personnel Committee

Bonnie K. Mathis - Chair
Robert E. Krug
Patrick J. Carmody
Thomas R. Broecker

Sanitary Sewer Committee

Bonnie K. Mathis
Patrick J. Carmody
John R. Tucker

School District Liaison

Robert E. Krug
Patrick J. Carmody (Alternate)

External Committees/Appointments

Fenton Area Cable TV Consortium

Lorraine M. Zimmer
Patrick J. Carmody (alternate)

Loose Senior Citizen Center

Les Scott

Genesee County Metropolitan Alliance

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Robert E. Krug
Les Scott (citizen representative)

Genesee County Technical Advisory Committee (TAC)

Lorraine M. Zimmer

Genesee County WWS Advisory Committee

Bonnie K. Mathis
Thomas R. Broecker (alternate)

Genesee County SWM Advisory Committee

Bonnie K. Mathis
Thomas R. Broecker (alternate)

Genesee County Roads & Bridges Advisory Committee

Bonnie K. Mathis
Thomas R. Broecker (alternate)

Genesee County 911 Consortium

Bonnie K. Mathis
Mark A. Goupil
Fire Chief John Moulton

Partnership for Saginaw Bay Watershed

Lorraine M. Zimmer

Flint River Watershed Committee

Bonnie K. Mathis
Lorraine M. Zimmer

Emergency Management Director

Bonnie K. Mathis
Fire Chief John Moulton
Mark A. Goupil (Alternate)

Motion to approve Committee Appointments as presented.

Motion by: Tucker

Seconded: Zimmer

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

Nays: None

Motion carried.

Schedule Workshop Meeting

After a brief discussion the board scheduled a workshop meeting for Monday 9/24/07 at 7:00 p.m. Potential agenda items should be forwarded to Operations Manager Broecker ASAP.

NEW BUSINESS:

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**Resolution No. 2007-28, Public Hearing on New Roll for Lake Ponemah
Improvement Special Assessment District**

Operations Manager Broecker reported that the president of the Lake Ponemah Association has submitted a request for a 5-year renewal of Lake Ponemah's weed control special assessment. The proposed cost for the project is a little under \$70,000.00 per year, significantly higher than the previous 5-year project. Since previous special assessment proceedings created the assessment district, creation and confirmation of a new special assessment roll are the only steps necessary to implement the renewal. A new special assessment roll has been created and certified by the Township Supervisor. A resolution is needed to schedule a public hearing on the proposed roll. Clerk Krug presented the following resolution:

RESOLUTION NO. 2007-28

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 \$70,322.17 for 2007 and \$69,223.27 per year for the years 2008 through 2011 inclusive, covering all parcels of land within the Lake Ponemah Improvement 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 17, 2007 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 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. 2007-28 as presented.

Motion by: Krug

Seconded: Tucker

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

Nays: None

Motion carried. Resolution declared adopted.

**Resolution No. 2007-29, Public Hearing on 2007 Fire Protection Special
Assessment Roll**

Operations 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

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Fire Protection Special Assessment roll. The 2007 roll has been prepared and certified by the Supervisor. The proposed assessment remains at \$65.00 per parcel. Clerk Krug presented the following resolution:

RESOLUTION NO. 2007-29

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 \$521,560.00, 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 17, 2007 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 circulation not less than five (5) days prior to the hearing, in accordance with the law and statute provided.

Motion to adopt Resolution No. 2007-29 as presented.

Motion by: Krug

Seconded: Carmody

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

Nays: None

Motion carried. Resolution declared adopted.

Schedule Public Hearing, Revised IFT Application – Webasto Product North America, Inc.

Operations Manager Broecker reported that, in July 2005 the Fenton Township Board adopted a resolution approving an Industrial Facilities Exemption Certificate for Webasto Product North America, Inc. Because their business plans changed from the time they filed their original application, Webasto has now filed a revised application to reflect those changes. A public hearing is required before the Township Board can act on the application.

Motion to schedule a public hearing for Monday September 17, 2007 to consider the revised application of Webasto Product North America, Inc. for a previously approved Industrial Facilities Exemption Certificate.

Motion by: Tucker

Seconded: Zimmer

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

Nays: None

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Motion carried.

Resolution No. 2007-30, Opposing Proposed Closing of Fenton Secretary of State Office

Supervisor Mathis reported that, as many people know, the Fenton Secretary of State office is scheduled to be closed. She attended a rally two weeks ago to show support for keeping the office open. The cities of Fenton and Linden have adopted resolutions opposing the proposed closing. A similar resolution has been prepared for consideration by the Fenton Township Board. Clerk Krug presented the following resolution:

RESOLUTION NO. 2007-30

WHEREAS, the Michigan Secretary of State has proposed closure of the Fenton Office of the Secretary of State located at 1549 N. Leroy Street, Suite C, Fenton Michigan, and

WHEREAS, closure of that office would inconvenience the citizens of the Fenton Township, the cities of Fenton and Linden, as well as other surrounding communities by restricting access to necessary services offered by the Secretary of State, and

WHEREAS, closure of the Fenton office would create a negative economic impact on the business community of the greater Fenton area;

NOW, THEREFORE, BE IT RESOLVED that the Fenton Township Board of Trustees hereby declares its opposition to the closure of the Fenton branch of the Secretary of State's Office at 1549 N. Leroy Street, Fenton, Michigan.

Motion to adopt Resolution No. 2007-30 as presented.

Motion by: Krug

Seconded: Brown

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

Nays: None

Motion carried. Resolution declared adopted.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Dave Franz, 3435 Breeze Pointe Court

Regarding weed control special assessments, Mr. Franz asked who monitors the lake treatments. It was clarified that the treatment schedule is outlined in the proposal used as the basis for the special assessment. The lake association and/or lake residents typically monitor treatment activities.

Trustee Goupil was excused at 9:45 p.m.

Jennie Main, Republic Waste Services

Ms. Main introduced herself to the board. Republic is one of the companies currently preparing proposal for waste collection in Fenton Township. She asked the board if there are any specific issues that companies should focus on. Issues such as having everything picked up, consistent scheduling, recycling and early collection hours were mentioned by board members.

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Robert Canning, 1381 Edgewater Drive

Mr. Canning noted that developer Mustafa Gheriani had briefly mentioned the concept of adopting stricter energy standards for construction. He supports this concept, adding that this may be an opportunity for the Township to take a leadership role in this area.

Tom Richard, 12425 Jennings Road

Mr. Richard noted that the recently reconstructed Lahring Road bridge has two large areas of concrete missing. He also expressed concern that the Lahring/Torrey intersection project will take so long to complete.

Randy Kinne, 14216 Landings Way

Mr. Kinne suggested that a representative from Aquatic Nuisance should attend the Lake Ponemah public hearing at the next meeting. Mr. Kinne also stated that there is a need to dredge the Lake Ponemah channel to improve boating access. It was noted that a special assessment district would be the appropriate method to fund this type of improvement.

ADJOURN: Meeting adjourned at 10:20 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 9/6/07