

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF SEPTEMBER 17, 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 9/17/07 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 9/4/07 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures for payment as presented.

Motion by: Brown

Seconded: Krug

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

Fenton Township Fire Protection Special Assessment District/2007 Roll Hearing

Supervisor Mathis opened the public hearing on the 2007 Fenton Township Fire Protection Special Assessment Roll. The annual assessment remains unchanged at \$65.00 per parcel. There was no public comment. Clerk Krug presented the following resolution:

RESOLUTION NO. 2007-31

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 proposed assessment roll prepared by the Supervisor and assessing officer of the Township for the purpose of raising money by special assessment for furnishing fire protection and purchasing and housing equipment, and for the operation of same, and

WHEREAS, such public hearing was preceded by a notice published in a newspaper of general circulation in the Township, and

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WHEREAS, no written objections were received to said roll and levy;

WHEREAS, all present at said public hearing were given the opportunity to be heard in the matter, and

WHEREAS, the Township Board has duly inspected the proposed assessment roll and considered all comments and proposed amendments thereto and has found the proposed assessment roll, as presented, to be correct, just and reasonable;

NOW, THEREFORE, BE IT RESOLVED, that the assessment roll submitted by the Supervisor and assessing officer of the Township shall hereafter be designated as the Fenton Township Special Assessment Roll No. 2007-5 and shall hereby be confirmed as the 2007 assessment roll for the Fenton Township Fire Protection Special Assessment District, and

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2007-5 shall be due and payable on December 1, 2007, and

BE IT FURTHER RESOLVED, if any special assessment is not paid when due, then the special assessment 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, in accordance with Michigan Public Act 188 of 1954, as amended, 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. 2007-31 as presented.

Motion by: Krug

Seconded: Brown

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

Nays: None

Motion carried. Resolution declared adopted.

Lake Ponemah Improvement Special Assessment District/Hearing on New Assessment Roll

Supervisor Mathis opened a public hearing on a new 5-year special assessment roll for the Lake Ponemah Improvement Special Assessment District. The cost of the proposed improvements is significantly higher than the previous 5-year period. At this time the proposed "per share" assessment for 2007-2011 is \$186.46 per year (\$189.42 in the first

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year, which includes administrative costs). The board will accept comment regarding the following:

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.

Supervisor Mathis asked Derek Brookshire of Aquatic Nuisance Plant Control to give a brief overview of the proposed treatment plan. Mr. Brookshire stated that the initial focus of the plan when treatments were begun in 1998 was a 40-acre area infested with Eurasian water milfoil. The lake now has 120-140 acres of milfoil that needs to be treated. This, along with an increase in other nuisance plants, such as naiads and celery, has necessitated the large cost increase.

Public Comment:

The following individuals commented on the proposed special assessment:

Fred Tryles, 3230 Ponemah Drive
Carolyn Post, 4045 Four Lakes Avenue
Dave Franz, 3435 Breeze Pointe Court
Ted Goupil, 14166 Eastview Drive
Howard Schrock, 3417 Isleview Drive
Randy Kinne, 14216 Landings Way
Joe Ceresia, 3506 Silver Lake Road

Their comments/questions included:

- The weed problem in Lake Ponemah has been much worse in the past few years.
- More treatments are needed around residential docks.
- Can weeds be treated earlier in the year before they are tall enough to be cut by boat motors and drift ashore? *(The timing of the treatments is determined by water temperature. If the water temperature is not sufficient, the treatments will not be effective.)*
- Is there any literature that explains the details of the treatment so that residents can have a better understanding of the process? *(Aquatic Nuisance provides information to the lake association that is included in the association newsletter.)*
- More information is needed regarding the number, type and timing of treatments.
- How was the amount of the cost proposal determined? *(The cost was calculated based on the number of acres to be treated and the frequency and type of treatments – all reviewed with the association.)*
- How effective will this new proposal be relative to prior years? *(Aquatic Nuisance is constantly trying different products in an attempt to maximize the effectiveness of the treatments. The results should improve.)*
- How long after a treatment should weeds start to disappear? *(About 3-4 weeks.)*
- Are other options (i.e. different chemicals) being considered to improve treatments? *(There is still much to be learned about some of the nuisance plants so Aquatic Nuisance will continue to explore various treatment options to come up with the best overall program.)*

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Treasurer Carmody asked if the State of Michigan has any involvement in the program. Mr. Brookshire stated that the MDEQ issues the permits for treatments, conducts follow-up inspections and approves the various products used to treat the lake.

Supervisor Mathis asked if spot treatments, such as the ones done in parts of Lake Fenton, are effective. Mr. Brookshire stated that smaller treatment areas are generally less effective because the herbicides are used in smaller quantities.

Trustee Goupil asked what percentage of the targeted weeds is typically eradicated. Mr. Brookshire stated that it is not possible to get all of the weeds but they will do everything possible to eliminate the targeted plants.

Referring to a recent hotline in the local newspaper, Clerk Krug expressed concern that there is a misperception that the Township is responsible for the weed control programs on the lakes. The Township is simply a fiscal agent to collect the funds and pay the invoices based on the request of the property owners. If there are concerns that more information is needed, a procedure should be established where the lake association and/or designated residents must review and sign off on all invoices before they are paid by the Township. The alternative is to discontinue lake improvement special assessments as the Township does not have the staff or the expertise to monitor the lake treatments.

Guy Dzido, president of the Lake Ponemah Association, stated that there would be no treatment plan without the special assessment. They would not be able to collect enough money voluntarily to pay for the program. He urged the board to continue the special assessments.

Operations Manager Broecker presented the following resolution:

RESOLUTION NO. 2007-32

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 proposed assessment roll prepared by the Supervisor and assessing officer of the Township for the purpose of defraying the costs of the weed eradication/control project proposed to be continued within the Lake Ponemah Improvement Special Assessment District as shown on the plans and specification 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 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 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

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WHEREAS, the Township Board has duly inspected the proposed assessment roll and considered all comments and proposed amendments thereto and has found the proposed assessment roll, as submitted, to be correct, just and reasonable;

NOW, THEREFORE, BE IT RESOLVED, that the assessment roll submitted by the supervisor and assessing officer of the Township shall hereafter be designated as Fenton Township Special Assessment Roll No. 2007-6 and shall hereby be confirmed as the assessment roll for the Lake Ponemah Improvement Special Assessment District, and

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2007-6 shall be divided into five annual installments with the first installment due and payable on December 1, 2007 and the following installments to be due and payable on the first day of December for the years 2008 through 2011 inclusive, and

BE IT FURTHER RESOLVED, that future due installments of an assessment against any parcel of land may be paid to the Township Treasurer at any time in full. 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 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, in accordance with Michigan P.A. 188 of 1954, as amended, 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. 2007-32 as presented.

Motion by: Tucker

Seconded: Brown

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

Nays: None

Motion carried. Resolution declared adopted.

Revised Industrial Facilities Exemption Certificate Application – Webasto Product North America, Inc.

Supervisor Mathis opened a public hearing to consider the application of Webasto Product North America, Incorporated for revisions to a previously approved Industrial Facilities Exemption Certificate (tax abatement) for expansion and new equipment at their existing facility on North Road. The total investment of \$2.897 million in the revised application is slightly higher than the \$2.878 million in the original application, however nearly all of the investment is now in equipment, with only \$27,000 in land & building

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improvements. It is anticipated that the expansion will result in the creation of 30 new jobs at their facility. There was no public comment.

Operations Manager Broecker reviewed the IFT rating sheet for the proposed abatement. The original application indicated that 50 new jobs would be created by the expansion. The revised application includes 30 new jobs, which drops the rating from 11 to 10. The board can either approve the revised certificate for 10 years or leave the 11 years previously approved in place. Treasurer Carmody commented that Webasto has been, and continues to be an excellent corporate citizen in Fenton Township.

Operations Manager Broecker presented the following resolution:

RESOLUTION NO. 2007-33

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on April 14, 2003, this Township Board by resolution established Industrial Development District No. 14, and

WHEREAS, also pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on July 18, 2005, this Township Board by resolution approved Industrial Facilities Exemption Certificate No. 2005-504 in the amount of \$1,238,600 for real property and \$1,639,151 for personal property, and

WHEREAS, due to changes in their business plans, Webasto Product North America, Inc. has filed an application to revise Industrial Facilities Exemption Certificate No. 2005-504 in the amount of \$27,000 for real property and \$2,870,000 for personal property, and

WHEREAS, before acting on said application, the Charter Township of Fenton held a public hearing on September 17, 2007 at the Fenton Township Civic Community Center in Fenton, Michigan at 7:30 p.m., at which hearing the applicant, the Assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the approval of the revised certificate will have the reasonable likelihood to retain, create, or prevent the loss of employment in the Charter Township of Fenton; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the Charter Township of Fenton, after granting this revised certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the Township Board of the Charter Township of Fenton that:

- 1. The Township Board finds and determines that the granting of the revised Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the Charter Township of Fenton, or impairing*

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the financial soundness of a taxing unit which levies ad valorem property taxes in the Charter Township of Fenton.

- 2. The application of Webasto Product North America, Inc. for a revised Industrial Facilities Exemption Certificate with respect to the expansion of an existing facility and new equipment on the following described parcel of real property situated within the Industrial Development District No. 14, to wit:*

A PARCEL OF LAND BEG S 333.29 FT FROM NW COR OF SEC TH N 89 DEG 37 MIN 33 SEC E 533.34 FT TH S 1 DEG 52 MIN 21 SEC W 335.71 FT TH S 7 DEG 39 MIN 33 SEC W 333.02 FT TH S 89 DEG 19 MIN 46 SEC W 478.07 FT TH N 667.6 FT TO PL OF BEG SEC 26 T6N R5E.

be and the same is hereby approved.

- 3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of 10 years.*

Motion to adopt Resolution No. 2007-33 as presented:

Motion by: Carmody

Seconded: Brown

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

Nays: None

Motion carried. Resolution declared adopted.

REPORTS:

Special Meeting Reminder

Supervisor Mathis reminded the board of the special workshop meeting scheduled for Monday 9/24/07 at 7:00 p.m. The first portion of the special meeting will be a closed session to discuss pending litigation.

Metro Alliance Technical Advisory Committee (TAC) Update

Trustee Zimmer reported that the TAC had reported that the Fenton Road widening project will likely be pushed back due to state budget cuts.

Channel 19 Update

Trustee Zimmer reported that virtually all programming has disappeared from the Channel 19 program. The storms last month knocked out the server for several days. Then the employee hired to replace the individual that performed the programming at the City of Fenton apparently quit and there is no one there to work on Channel 19 programming. Fortunately, Operations Manager Broecker and Township employee Valerie McDonald received limited training from the previous employee and, with help from North Arrow Technologies, have been able to put the Township Board meetings on the schedule.

Trustee Zimmer also suggested that the Township could record public service and educational messages to be telecast on Channel 19. This will be looked into further.

Summer Property Tax Update

Treasurer Carmody reminded the board and audience of action taken earlier this year regarding property tax procedures. Any summer property tax payment not physically in

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the Township office by 5:00 p.m. on 9/14/07 is considered delinquent and subject to an interest charge.

Public Safety Update

Trustee Goupil reported that the Public Safety Committee will conduct a meeting with the Genesee County Sheriff Department and local lake representatives to review and discuss marine patrol activities. This meeting is scheduled for Monday 9/24/07 at 6:00 p.m.

Torrey/ Lahring Update

Supervisor Mathis reported that the Genesee County Road Commission has asked the Sheriff Department for additional patrols near the Torrey/Lahring intersection to ticket motorists who ignore the road closure and drive through.

COMMUNICATIONS:

Note of Thanks from Olmstead Family

Operations Manager Broecker read a note of thanks from the family of John Olmstead for the memorial resolution recently adopted by the Township Board. They were very appreciative that the Township remembered and honored Mr. Olmstead for his public service.

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Resolution No. 2007-34, Public Hearing on Special Assessment Roll for Lakeside Landing Drainage Improvements Special Assessment District

Operations Manager Broecker reported that a special assessment roll has been created and certified by the Township Supervisor for the drainage improvements on Lakeside Landing, for the special assessment district created earlier this year by the Township Board. The project has not yet been completed due to delays in obtaining the necessary permit from the MDEQ. Because of the deadline to place special assessments on the 2007 tax roll, the assessment roll includes estimated costs. When the project is ultimately completed, a revised roll can be confirmed to adjust to the actual costs. A resolution is needed to schedule a public hearing on the proposed roll. Operations Manager Broecker presented the following resolution:

RESOLUTION NO. 2007-34

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 \$28,000.00 covering all parcels of land within the Lakeside Landing Drainage Improvements Special Assessment District, and has affixed thereto his 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

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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 October 1, 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 Lakeside Landing Drainage Improvements 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. 2007-34 as presented.

Motion by: Tucker

Seconded: Carmody

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

Nays: None

Motion carried. Resolution declared adopted.

Resolution No. 2007-35, GCRC Permit for LFHS Homecoming Parade

Supervisor Mathis reported that Lake Fenton High School wishes to hold their annual Homecoming Parade along North Long Lake Road between Torrey and Fenton Roads on Friday 10/5/07. The Genesee County Road Commission requires the Township Board to authorize the appropriate application. A resolution has been prepared for that authorization. Operations Manager Broecker presented the following resolution:

RESOLUTION NO. 2007-35

WHEREAS, Lake Fenton High School wishes to make application to the Genesee County Board of Road Commissioners for a permit to hold a Homecoming Parade within the road right-of-way of North Long Lake Road, and

WHEREAS, approval of the local unit of government, by resolution, is required to obtain said permit;

NOW, THEREFORE, BE IT RESOLVED, that Lake Fenton High School is hereby authorized to make application to the Genesee County Road Commission on behalf of the Charter Township of Fenton in the county of Genesee, Michigan for the necessary permit(s) to:

Hold a Homecoming Parade on Friday October 5, 2007, between the hours of 4:00 p.m. and 6:00 p.m.

*within the right-of-way of **North Long Lake Road, between Torrey Road and Fenton Road**, as requested.*

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Motion to adopt Resolution No. 2007-35 as presented.

Motion by: Tucker

Seconded: Zimmer

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

Mr. Franz is concerned with the cost of treatments on Loon Lake vs. the actual treatments.

Robert Canning, 1381 Edgewater Drive

Mr. Canning asked if the Township had given any further thought to the concept of adopting stricter energy efficiency construction standards, which was brought up at the last meeting. Supervisor Mathis responded that the Township's Building Inspector will be providing a report to the Township Board at an upcoming meeting.

Mr. Canning also suggested that the Township may want to consider pushing an initiative to restructure the state government by eliminating one of the legislative bodies. This would save millions of tax dollars.

ADJOURN: Meeting adjourned at 9:30 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 9/19/07