

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF DECEMBER 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, Brown, Goupil, Tucker, Zimmer, Operations Manager
Broecker and Attorney Cooley

Absent: Carmody

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 12/17/07 Fenton Township Board Meeting agenda as presented.

Motion by: Tucker

Seconded: Brown

Ayes: All Present

Nays: None

Absent: Carmody

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 12/3/07 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures for payment as presented.

Motion by: Zimmer

Seconded: Krug

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

Nays: None

Absent: Carmody

Motion carried.

PUBLIC HEARINGS:

Dollar Lake Improvement Special Assessment District/Hearing on New 5-Year Roll

Supervisor Mathis opened a public hearing on the assessment roll for a 5-year renewal of the Dollar Lake Improvement special assessment. The board will accept comment on 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.

There was no public comment. There was no further board discussion.

Clerk Krug presented the following resolution:

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RESOLUTION NO. 2007-43

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 Dollar Lake 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

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. 2007-7 and shall hereby be confirmed as the assessment roll for the Dollar Lake Improvement Special Assessment District, and

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2007-7 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

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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. 2007-43 as presented.

Motion by: Krug

Seconded: Tucker

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

Nays: None

Absent: Carmody

Motion carried. Resolution declared adopted.

Lakeside Landing Drainage Improvement Special Assessment District / Hearing on Roll

Supervisor Mathis stated that, earlier this year, the Township Board established a special assessment district for drainage improvements in the Lakeside Landing area. The project has now been completed and the purpose of this public hearing is to review the special assessment roll. The final cost of the project was \$28,700.00, or \$2,050.00 per parcel. The board will accept comment on 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.

There was no public comment. There was no further board discussion.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2007-44

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 drainage improvement project within the Lakeside Landing Drainage Improvements 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;

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. 2007-4, and shall hereby be confirmed as the assessment roll for the Lakeside Landing Drainage Improvements Special Assessment District.

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Lakeside Landing Drainage Improvements Special Assessment Roll shall be divided into five (5) equal annual installments of principal with the first installment to be due on or before December 1, 2008 and the following installments to be due on or before the first day of December of the years 2009 through 2012. All unpaid installments prior to their transfer to the tax roll as provided by Michigan Public Act 188 of 1954, as amended, shall bear interest from January 1, 2008, payable annually on each installment due date at a rate equal to one percent (1%) above the average interest rate on bonds issued by the township in anticipation of the collection of these special assessments, or if bonds are not issued, at the rate of seven percent (7%) per annum commencing on the first installment due date hereinbefore set forth.

BE IT FURTHER RESOLVED, that future due installments of an assessment against any parcel of land may be paid to the Fenton Township Treasurer at any time in full with interest accrued through the month in which the final installment is paid in accordance with Michigan Public Act 188 of 1954, as amended. 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, 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, also in accordance with said Act 188.

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.

BE IT FURTHER 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. 2007-44 as presented

Motion by: Krug

Seconded: Brown

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

Nays: None

Absent: Carmody

Motion carried. Resolution declared adopted.

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Lakeside Landing Drainage System Maintenance Special Assessment / Hearing of Necessity

Supervisor Mathis stated that this is the first public hearing on a proposed special assessment district to pay for maintenance of the drainage system that was put in under the special assessment just approved. The estimated maintenance cost is \$1,000.00 per year, or a little over \$71.00 per parcel. The first year's assessment would be significantly higher to cover maintenance costs for both 2008 and 2009 plus the Township's administrative costs for establishing the special assessment. The board will accept comment on 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. There was no further board discussion.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2007-45

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 drainage system maintenance 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 17th day of December 2007 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 Lakeside Landing Drainage System Maintenance 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 the drainage system in and around the area of Lakeside Landing, and the estimated annual cost thereof of \$1,000.00, and

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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 Lakeside Landing Drainage System Maintenance Special Assessment District, within which the costs of such maintenance shall be assessed, the following parcel numbers within said township:

06-13-100-001	06-13-501-010
06-13-501-001	06-13-501-011
06-13-501-003	06-13-501-017
06-13-501-004	06-13-501-018
06-13-501-005	06-13-501-019
06-13-501-006	06-13-501-020
06-13-501-007	06-13-501-021

and

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. 2007-45 as presented.

Motion by: Krug

Seconded: Tucker

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

Nays: None

Absent: Carmody

Motion carried. Resolution declared adopted.

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

RESOLUTION NO. 2007-46

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 amount of \$2,639.00 for 2008 and in the amount of \$1,000.02 for each year thereafter, covering all parcels of land within the Lakeside Landing Drainage System Maintenance 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

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BE IT FURTHER RESOLVED, that the Fenton Township Board shall meet at 7:30 p.m. on January 7, 2008 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 System Maintenance 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. 2007-46 as presented.

Motion by: Krug

Seconded: Zimmer

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

Nays: None

Absent: Carmody

Motion carried. Resolution declared adopted.

PRESENTATION:

University of Michigan-Flint, Update on Planning Project

Supervisor Mathis introduced Sara McDonnell of the University of Michigan-Flint Center for Applied Environmental Research. Ms. McDonnell presented a brief video on the Fenton, Linden, Swartz Creek and Gaines communities that was produced as a part of the Southern Lakes Planning Initiative. A meeting has been scheduled for January 30, 2008 to present the results of their study to date. That meeting, which is open to the public, will be held at the Mundy Township Hall beginning at 7:00 p.m.

REPORTS:

Sewer Update

Trustee Tucker reported that a broken force main sewer pipe caused a sewage spill on Sunday 12/9/07. The spill occurred around 11:00 a.m. near Island View Drive and was contained and repaired within about two hours. Approximately 450 gallons of sewage spilled onto the ground. The MDEQ was contacted promptly and all cleanup protocols were followed to remediate the spill.

Municipal Water Steering Committee Update

Clerk Krug reported that the Municipal Water Steering Committee held its first meeting on 12/13/07. The next meeting, which will be open to the public, is scheduled for 1/17/08 at 7:00 p.m.

Charitable Donations

Supervisor Mathis reported that the Township has been made aware of five specific families that are especially in need this holiday season. Anyone wishing to donate food items and/or gift cards can do so through the Township.

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COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Proposal for Development of Design Standards – Thompson Road Corridor

Supervisor Mathis reviewed a proposal from the planning firm of Birchler Arroyo Associates to assist the Township in the development of design standards for the Thompson Road Corridor. She also noted that Attorneys Carol Rosati and Tim Wilhelm have recommended that the Township utilize Mr. Arroyo's services. Trustee Tucker noted that Mr. Arroyo's firm is very well known and respected. Clerk Krug noted that Birchler Arroyo Associates won multiple awards at the recent conference hosted by the Michigan Chapter of the American Planning Association. If approved, the agreement includes two public meetings to gather input on design standards.

Motion to approve the agreement with Birchler Arroyo Associates, Inc. for planning services related to design standards for the Thompson Road Corridor, as presented.

Motion by: Tucker

Seconded: Goupil

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

Nays: None

Absent: Carmody

Motion carried.

Resolution No. 2007-47, Tax-Reverted Properties in Fenton Township

Supervisor Mathis reported that Genesee County notifies the Township each year of any tax-reverted properties that remain unsold after public auction. This year there are four such properties in Fenton Township. None of the properties hold any particular value for the Township, however Supervisor Mathis has contacted owners of adjacent property and she believes the parcels could be transferred to those owners, which would put the properties back on the active tax roll. With that in mind, a resolution has been prepared to accept these four properties from Genesee County.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2007-47

WHEREAS, PA 123 requires that any tax reverted parcels not sold at the mandatory yearly auctions automatically revert back to the local unit of government in which the property is located, and

WHEREAS, if the local unit of government does not wish to take ownership of such properties, the governing body of the governmental unit must take action to formally reject the properties, and

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WHEREAS, there are four such tax reverted parcels of land located in the Charter Township of Fenton, and

WHEREAS, it has been determined that retaining ownership of these properties would be in the best interests of the Township;

NOW, THEREFORE, BE IT RESOLVED, that the Charter Township of Fenton Board of Trustees hereby accepts the transfer of ownership of the following parcels of land:

06-11-529-055
06-11-529-075
06-22-300-005
06-27-501-026

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the office of the Genesee County Treasurer.

Motion to adopt Resolution No. 2007-47 as presented.

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

Motion carried. Resolution declared adopted.

Proposed Amendments to 2007 Fenton Township Budget

Operations Manager Broecker reviewed proposed amendments to the 2007 Fenton Township budget. The most significant change to the General Fund budget is an increase to the Law Enforcement expense resulting from the new contract with the Genesee County Sheriff Department. Although the proposed budget indicates a deficit of approximately \$41,000.00, this is due to the Township's practice of using conservative budget figures. The General Fund is expected to maintain a balanced budget, or better, for 2007. In the Fire Fund, the expected revenues from the Tyrone Township contract have increased by \$30,000.00, while the salary expense shows an increase of \$43,000.00, due to the high volume of emergency calls. In the Sewer Fund, revenue projections for connection fees and use fees are lower due to lower than projected new connections. This was offset by a reduction in sewer treatment charged from Genesee County and lower bond interest costs. Trustee Tucker questioned the projected decrease in Community Development revenue and expenditures. Operations Manager Broecker explained that most of the available CDBG funding is projected to be used in 2008, therefore the 2007 budget is being decreased.

Motion to adopt amendments to the 2007 Fenton Township Budget as presented.

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

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

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Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked if the new Fire Department vehicles approved several months ago have been received. Trustee Goupil confirmed that the Township took delivery of two new rescue squad trucks about six weeks ago. One is in service at each fire station.

Mr. Hawcroft also asked about the length of the Thompson Road Corridor area. Supervisor Mathis confirmed that the corridor plan addresses Thompson Road from Linden Road to Fenton Road, however we are currently focusing on the segment between Jennings Road and Torrey Road. The agreement approved this evening with the planning firm will help the Township develop design standards for this area.

Tom Richard, 12425 Jennings Road

Mr. Richard encouraged people to attend the meetings regarding Thompson Road Corridor design standards. The more input, the better.

Sue Foland, 11421 Fairbanks Road

Ms. Foland questioned the involvement of the Lake Fenton Schools in the proposed water system project. Clerk Krug clarified that he simply provided to Superintendent Ralph Coaster the same information presented at the last board meeting. In reference to the 12/13/07 water committee meeting, Ms. Foland stated "I know that there weren't very many people there on Thursday. I'm hoping to have more people there on the 17th of January when we have the next meeting at seven o'clock. I think that people need to be made aware of what's going on because what happens with this if it goes through is going to change this township forever. It's not gonna be the same as it once was. I think that the public needs to be made aware of it. They need to try to make these meetings. If they can't make the meetings they need to keep aware of what's going on and notify the Township Board, either via phone calls or letters or something, of what their opinion is." Supervisor Mathis confirmed that the committee meeting will be open to the public.

ADJOURN: Meeting adjourned at 8:50 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 12/18/07