

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 6, 2008**

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

Supervisor Mathis called the meeting to order at 7:30 p.m.

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

Absent: Krug

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:

In the interest of time, Supervisor Mathis requested that the Fire Chief Report and the Resolution honoring the Friends of Fenton Library be moved to the top of the agenda. Motion to approve the 10/6/08 Fenton Township Board Meeting agenda as amended.

Motion by: Brown

Seconded: Tucker

Ayes: All Present

Nays: None

Absent: Krug

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 9/15/08 regular meeting stand approved as presented.

EXPENDITURES:

Trustee Zimmer questioned the invoice related to the recent sewer backups. Operations Manager Broecker clarified that this is a partial invoice for the cleaning services contracted by the Township. There will be more expenditures related to the backups. Motion to approve expenditures for payment as presented.

Motion by: Tucker

Seconded: Brown

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

Nays: None

Absent: Krug

Motion carried.

REPORTS:

Fire Chief Report

Fire Chief John Moulton reported that the Fire Department responded to a total of 61 alarms in September, 5 of which were in Tyrone Township. The breakdown of calls was as follows: 45 medical runs, 2 hazardous conditions, 8 service calls, 3 good intent calls and 3 false alarms.

Chief Moulton also reported that the current Township Fire Code Ordinance is out of date, as it adopted the 2000 International Fire Code. The 2006 code was recently published and he recommends adopting a new Fire Code Ordinance. Trustee Goupil,

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chairman of the Public Safety Committee, stated that a new ordinance has been drafted and will be on the agenda for first reading at the 10/20/08 meeting.

Chief Moulton was asked about the cost of implementing the proposed Emergency Access Key Lock Box Ordinance, which is on this evening's agenda. Chief Moulton stated that the cost for each business facility to install a Knox box is approximately \$329.00. This cost may be offset by lower insurance premiums and by eliminating the potential for damage to the building during an emergency. Trustee Zimmer asked who would have the master key that would allow access to all of these buildings. Chief Moulton clarified that each lock box would be keyed the same and that the Fire Department would have the master key. Each lock box would contain the key(s) necessary to access that particular facility.

NEW BUSINESS:

Resolution No. 2008-20, Friends of Fenton Library

Supervisor Mathis introduced Les Hotchkiss and Char Olmstead of the Friends of Fenton Library, a non-profit organization dedicated to the improvement of the local library. Ms. Hotchkiss thanked the board for the opportunity to be on the agenda and distributed a copy of their most recent newsletter. She also asked the board to consider adopting a resolution to designate October 19-25, 2008 as Friends of the Fenton Library Week to thank this group for their efforts in providing a quality library in the Fenton community.

Operations Manager Broecker presented the following resolution:

RESOLUTION NO. 2008-20

WHEREAS, the Friends of the Fenton Library raise money that enables our library to move from good to great – providing the resources for additional programming, much needed equipment, support for children's summer reading and special events throughout the year, and

WHEREAS, the work of the Friends highlights on an ongoing basis the fact that our library is a cornerstone of the community, providing opportunities for all to engage in the joy of life-long learning and connect with the thoughts and ideas of others from ages past to the present, and,

WHEREAS, the Friends understand the critical importance of well funded libraries and advocate to ensure that our library gets the resources it needs to provide a wide variety of services to all ages, including access to print and electronic materials, along with expert assistance in research, readers' advisory and children's services, and

WHEREAS, the Friends gift of their time and commitment to the library sets an example for all in how volunteerism leads to positive civic engagement and the betterment of our community;

NOW, THEREFORE, BE IT RESOLVED, that the Township Board of the Charter Township of Fenton hereby proclaims October 19-25, 2008 as Friends of the Fenton Library Week, and urges everyone to join the Friends of the Library and thank them for all they do to make our library and community so much better.

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Motion to adopt resolution No. 2008-20 as presented:

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

Motion carried. Resolution declared adopted.

PUBLIC HEARINGS:

**Rezoning #R08-002, Amendment to PUD Conditions for Cottage Cove
Development (3472 Allen's Landing), parcel 06-27-100-022; Public Hearing
& 1st Reading**

Supervisor Mathis opened the public hearing on a proposed amendment to the PUD conditions of a previously approved PUD rezoning. If adopted, the amendment would permit, on a limited basis, the use of Ponemah Drive to access the site with equipment that is too large to safely cross the railroad tracks. Treasurer Tucker stated that the amendment was initiated by the Township due to an unusual situation. The original rezoning prohibited the use of Ponemah Drive for construction traffic. The first attempt to transport a large piece of equipment to the property from Silver Lake Road, however, resulted in the low-boy trailer getting stuck on the railroad tracks for a period of time, which was a potentially dangerous situation. The Planning Commission conducted a public hearing and has recommended approval of the amendment, which would allow up to six one-way trips on Ponemah Drive. The amendment also limits the time these trips can take place to between 8:30 a.m. and 11:30 a.m. on weekdays and either the Township Building Inspector or Ordinance Enforcement Officer must be present to oversee the transport. The Planning Commission felt that the health, safety and welfare risk was sufficient to support the amendment.

Trustee Ketchmark asked if more trips will be allowed next year when homes are being built. Treasurer Tucker stated that the permitted trips on Ponemah Drive are for large equipment for construction of infrastructure (roads, sewers, etc.). Trustee Goupil asked if Ponemah Drive will remain a dead-end street. Treasurer Tucker stated that the locked gate will remain in place during construction with emergency access only. Trustee Brown asked if there had been any attempts to resurface Ponemah Drive. Treasurer Tucker stated that petitions to establish a special assessment district did not obtain enough signatures.

Public Comment:

Richard Steinhoff, 4436 Island View Drive

Mr. Steinhoff is concerned with the impact on Ponemah Drive. He believes the developer should be required to access the site via Silver Lake Road, as approved by the Township. Treasurer Tucker stated that all possibilities have been explored and there are no other safe alternatives.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft questioned the need for such large equipment to complete the infrastructure work. Smaller equipment that can be taken over the railroad tracks could be used. Trustee Goupil stated that the developer is unlikely to utilize larger than needed equipment since that would be more costly. Trustee Zimmer recalled a PUD condition regarding cost sharing for the improvement of Ponemah Drive. Treasurer Tucker

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confirmed that such a condition exists, but only applies if a special assessment district is created.

The second reading of the proposed amendatory ordinance will be conducted at the 10/20/08 meeting.

REPORTS:

Recycling Update

Operations Manager Broecker reported that the expanded curbside recycling program has been in effect for one week. He also reported that his own family reduced their trash volume by about 1/3 by being able to recycle more items. Township residents are strongly encouraged to take advantage of the expanded recycling program. Treasurer Tucker suggested that the next township newsletter should include detailed recycling information.

Genesee County Population Projections

Supervisor Mathis reported that recent 2035 population projections from Genesee County indicated that Fenton Township is one of four communities projected to experience significant growth, (the others being Davison Township, City of Fenton and Mundy Township). Projected population growth from 2000 to 2035 for Fenton Township is 3,999, which would bring the total population to approximately 17,000.

Zoning Board of Appeals Seats

Supervisor Mathis reported that two current members of the ZBA have indicated that they do not want to be re-appointed when their term ends on 11/30/08. The Township will accept applications from interested individuals to fill these seats.

Genesee County MTA Meeting

Supervisor Mathis reminded the board that Fenton Township is hosting this month's meeting of the Genesee County Chapter of the Michigan Townships Association. The meeting will be Thursday 10/16/08 at 7:00 p.m. All board members are encouraged to attend.

COMMUNICATIONS:

Household Hazardous Waste Collection Day

Supervisor Mathis reviewed a flyer for the fall household hazardous waste collection day in Genesee County. The collection will be held Saturday 10/11/08 from 10:00 a.m. to 2:00 p.m. at the GM Metal Fab plant on Bristol Road and the Flint East Water Service Center on East Court Street.

ADOPTION OF ORDINANCES:

Proposed Emergency Access Key Lock Box Ordinance/2nd Reading

Supervisor Mathis reviewed a proposed ordinance to require commercial, industrial and multi-family facilities to install a standardized key lock box to allow faster access during an emergency, which was introduced at the 9/15/08 meeting. There was no further discussion.

Motion to adopt Ordinance No. 701, an Emergency Access Key Lock Box Ordinance, as presented.

Motion by: Brown
Seconded: Zimmer

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Nays: None
Absent: Krug

Motion carried.

UNFINISHED BUSINESS:

Special Meeting Reminder – 10/7/08

Supervisor Mathis stated that the special meeting scheduled for Tuesday 10/7/08 at 6:30 p.m. has been canceled. The meeting, which will be a closed session to discuss pending litigation, has been rescheduled for Monday 10/20/08 at 6:30 p.m., immediately preceding the regular board meeting.

NEW BUSINESS:

Extension of Law Enforcement Agreement – Genesee County Sheriff Department

Supervisor Mathis reported that the Genesee County Sheriff Department is still in the process of developing a new law enforcement services agreement for the year ending 9/30/09. While the details of that agreement are being worked out, she is requesting that the board take action to extend the current agreement until the new agreement can be approved by both parties.

Motion to extend the provisions of the 2007-2008 Law Enforcement Services Agreement with the Genesee County Sheriff Department until a new agreement is approved by both parties.

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

Motion carried.

Proposed METRO Act Right-of-Way Permit Extension – AT&T

Operations Manager Broecker reported that AT&T has formally requested that their METRO Act Right-of-Way permit be extended until the end of 2010. This type of extension is permitted under state law and AT&T is requesting a similar extension from every community they serve.

Motion to extend the existing METRO Act permit for AT&T Michigan for the term ending December 31, 2010.

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

Motion carried.

Proposed Amendment to Genesee County Phase II Storm Water Management System Contract

Supervisor Mathis reviewed a proposed amendment to the Storm Water Management System Contract with the Genesee County Drain Commissioner. This amendment is based on the language of the new NPDES permit issued by the DEQ. Trustee Zimmer questioned the costs associated with the contract. Operations Manager Broecker

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reported that, according to officials at the Drain Commissioner's office, the Township should see a reduction in overall costs associated with storm water management. Treasurer Tucker stated that many communities have challenged storm water management requirements as unfunded mandates. This may impact the process as we go forward.

Operations Manager Broecker presented the following resolution:

RESOLUTION NO. 2008-21

WHEREAS, the Charter Township of Fenton Board of Trustees (the "Township Board") has previously approved a contract dated as of April 1, 2001, among the County of Genesee, acting through its Drain Commissioner, as County Agency, and the cities, villages, townships and charter townships identified on Exhibit A attached hereto (hereinafter referred to individually as a "Municipality" or collectively as the "Municipalities"), relative to the establishment and management and operation of the Genesee county Storm Water Management System to provide storm water management services to the Municipalities;

THEREFORE BE IT RESOLVED:

- 1. The Township Board hereby approves the Second Amendment to Genesee County Phase II Regulations Storm Water Management System Contract to be dated as of October 1, 2008, among the County of Genesee, acting through its Drain Commissioner, as County Agency, and the Municipalities (the "Amendment"), which Amendment provides, among other things, for the provision by the Genesee County Storm Water Management System of services for implementation activities required by the Phase II Regulations, the allocation of the costs of such activities among the County and the Municipalities, and the payment by the County and the Municipalities of their respective share of the cost of the services as set forth in the Amendment.*
- 2. The Township Supervisor and the Township Clerk are authorized and directed to execute and deliver the Amendment for and on behalf of the Township Board (in such number of counterparts as may be desirable).*
- 3. A copy of the Amendment presented on this date and herein approved and authorized to be executed and delivered shall be incorporated by reference into the minutes of this meeting and made a part thereof and shall be placed on file with the Township Clerk and made available for examination by any interested person during normal business hours.*
- 4. All resolutions and parts of resolutions, insofar as they may be in conflict herewith, are hereby rescinded.*

EXHIBIT A

MUNICIPALITIES

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*Township of Argentine
Charter Township of Clayton
Township of Davison
Charter Township of Fenton
Charter Township of Flint
Charter Township of Flushing
Township of Forest
Charter Township of Genesee
Charter Township of Mt. Morris
Charter Township of Mundy
Township of Richfield
Charter Township of Vienna
City of Burton
City of Clio
City of Davison
City of Fenton
City of Flushing
City of Grand Blanc
City of Linden
City of Mt. Morris
City of Swartz Creek
Village of Goodrich
Village of Lennon*

Motion to adopt resolution No. 2008-21 as presented:

Motion by: Tucker

Seconded: Brown

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

Nays: None

Absent: Krug

Motion carried. Resolution declared adopted.

Proposed Amendments to 2008 Fenton Township Budget

Operations Manager Broecker reviewed proposed budget amendments for the various township funds. The General Fund includes several relatively minor amendments that result in a net change of zero. The Solid Waste Fund budget is proposed to be increased due to the implementation of the enhanced recycling program. The most significant amendment to the Sewer Fund is \$500,000 to claims and settlements to cover the cost of the recent sewer backups. Trustee Zimmer asked why the payments to contractors for sewer repairs are not included in the budget line items. Operations Manager Broecker clarified that expenditures related to the sewer rehabilitation project are capital expenditures, rather than operating expenses, and are not included in the budget line items. The periodic principal and interest payments on all debt, including the debt that is funding the rehab project, are a part of the operating expenses. Trustee Ketchmark suggested that a future workshop meeting should be dedicated to providing a more detailed explanation of the budget so that the board can better understand the process.

Motion to adopt amendments to the 2008 Fenton Township Budget as presented.

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Motion by: Tucker
Seconded: Brown
Ayes: Mathis, Tucker, Brown, Goupil, Zimmer
Nays: Ketchmark
Absent: Krug
Motion carried.

BOARD COMMENT:

Trustee Brown reported that the Lake Fenton United Methodist Church is holding a pork dinner fundraiser on 11/2/08.

Trustee Goupil reported that the Tri-County Area League of Debate Clubs is hosting a fundraiser titled the Redwood Open "Lazy" Triathlon. Participants will play golf, bowling and euchre, with funds going toward scholarship programs.

Trustee Zimmer asked if the Township has made contact with the DEQ regarding the low interest loans. Operations Manager Broecker reported that the DEQ has not yet been contacted. The amount and estimated cost for remaining work has not been determined.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

John Settle, 1334 Lake Valley Drive

Mr. Settle stated that he is still very upset over the damage to his home and the mental anguish suffered due to the sewer work next to his house. He wants the Township to at least complete the sewer work. On the advice of the Township Attorney, because this issue is under litigation, the board did not respond to Mr. Settle's comments.

Vince Eible, 1375 Bluewater Drive

Mr. Eible is a friend of Mr. Settle. He encouraged the board to move toward a resolution to this issue ASAP.

Randy Lafave, 1337 Lake Valley Drive

Mr. Lafave echoed Mr. Eible's concerns. The Township should complete the sewer work ASAP.

Dave Franz, 3435 Breeze Pointe Court

Mr. Franz noted that the Pheasant Run apartment complex was required to construct a sidewalk along Fenton Road as a condition of the zoning change that allowed their project to become a condominium development. Unfortunately the company has gone bankrupt before the sidewalk was constructed. He asked the board to look into ways to have the sidewalk completed.

Regarding the recently approved weed control special assessment for Loon Lake, Mr. Franz read from a newspaper article where a resident claimed he never saw the original petition and wanted a copy. Mr. Franz stated that he himself did obtain a copy of the 2003 petition and 23 of 24 property owners signed it, including the individual claiming he never saw the petition.

Beth Larson, 4386 Stepping Stone Lane

Ms. Larson asked what companies and how many companies would be bidding on the next mosquito control contract. Operations Manager Broecker explained that the bidding

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process will be determined by the board next year. Ms. Larson urged the board to consider health and environmental issues when reviewing proposals.

Ed Collins, 13056 Harbor Landings

Mr. Collins asked if the Tri-County Times had provided circulation figures for Fenton Township per his request at the last meeting. Operations Manager Broecker stated that the Tri-County Times had reported that the number of Sunday papers delivered in all routes that included Fenton Township addresses is 7,625. Since the routes do not follow municipal boundaries, this number includes addresses outside of Fenton Township. The current number of households under the trash contract is around 5,800 so it would appear that a significant majority of the Township does indeed receive the Sunday Tri-County Times.

Ernestine Tune, Grand Blanc Township

Ms. Tune stated that she has campaigned against mosquito spraying in Grand Blanc Township for years. She believes the use of pesticide sprays is dangerous and causes serious health problems for many people. She urged the board to consider alternative programs to reduce the amount of spraying.

Robert Canning, 1381 Edgewater Drive

Reading from a prepared statement, Mr. Canning stated several concerns relating to the ongoing sewer rehabilitation project. He believes the Township has not managed the project responsibly and has spent more money than necessary.

Dave Hawcroft, 3302 Ponemah Drive

Regarding the attempt to create a special assessment district to repave Ponemah Drive, Mr. Hawcroft stated that it failed due to high cost. The scope of the project was much more than was necessary. Several drainage improvements were made in subsequent years and have helped significantly.

ADJOURN: Meeting adjourned at 9:45 p.m.

Bonnie Mathis, Supervisor

Thomas Broecker, Deputy Clerk

Minutes Posted 10/7/08