

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF APRIL 6, 2009**

**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, Tucker, Goupil, Kesler, Operations Manager Broecker and  
Attorney Cooley

Absent: Brown, Hill

**PLEDGE OF ALLEGIANCE:**

Boy Scouts Michael Laetz, Tyler Ogle, Ryan Gorelick and Nicholas Gorelick led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Motion to approve the 4/6/09 Fenton Township Board Meeting agenda as presented.

Motion by: Tucker

Seconded: Krug

Ayes: All Present

Nays: None

Absent: Brown, Hill

Motion carried. The agenda is approved.

**MEETING MINUTES:**

The minutes for the 3/16/09 regular meeting and the 3/30/09 workshop meeting stand approved as presented.

**EXPENDITURES:**

Motion to approve invoices and expenditures for all funds totaling \$317,747.86 for payment as presented.

Motion by: Mathis

Seconded: Tucker

Ayes: Mathis, Krug, Tucker, Goupil, Kesler

Nays: None

Absent: Brown, Hill

Motion carried.

**PUBLIC HEARINGS:**

**Lake Ponemah Channel Improvement Special Assessment District/2<sup>nd</sup> Hearing**

Supervisor Mathis stated that this is the second public hearing for a proposed special assessment district for improvements to the North Road / Lake Ponemah channels by cleaning out and widening the mouth of the channel where it connects to Lake Ponemah. The total cost of the proposed project is approximately \$51,350.00.

Supervisor Mathis opened the hearing for public 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.

There was no public comment. Clerk Krug presented the following resolution:

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**RESOLUTION NO. 2009-17**

*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 improvement project proposed to be completed within the Lake Ponemah Channel 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. 2009-1 and shall hereby be confirmed as the assessment roll for the Lake Ponemah Channel Improvement Special Assessment District, and*

*BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2009-1 shall be paid in a single installment to be due and payable on July 1, 2009, and*

*BE IT FURTHER RESOLVED, 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. 2009-17 as presented.

Motion by: Krug  
Seconded: Tucker  
Ayes: Mathis, Krug, Tucker, Goupil, Kesler  
Nays: None  
Absent: Brown, Hill

Motion carried. Resolution declared adopted.

**REPORTS:**

**Fire Chief Report**

Fire Chief John Moulton provided monthly statistics to the board. The Fire Department responded to a total of 60 alarms in March, including 6 in Tyrone Township. Among the alarms were 5 fires, 47 medical, 6 service calls and 2 good intent calls.

Chief Moulton also reported that 11 new fire fighters have been hired and will be scheduled for extensive training. Chief Moulton also reported that the Public Safety Committee has recommended approval to purchase 12 new sets of turnout gear.

Public Comment:

Ed Collins, 13056 Harbor Landings Drive

Mr. Collins stated that Groveland Township recently received a reduction in their ISO rating due to the installation of wells and hydrants in their township, and asked if this type of program could benefit Fenton Township. Supervisor Mathis stated that this issue will be researched.

**COMMUNICATIONS:**

**Miscellaneous Issues**

- Supervisor Mathis reported that Trustee Brown recently received his certificate as a Certified Floodplain Manager (CFM) from the Association of State Floodplain Managers.
- The Genesee County Metropolitan Planning Commission is requesting input for the 2035 Long Range Transportation Plan. Proposed Projects should be submitted by 4/24/09.

**ADOPTION OF ORDINANCES:**

**Proposed Ordinance - Solicitors; Peddlers; Transient Merchants or Vendors/1<sup>st</sup>**

**Reading**

Supervisor Mathis reviewed a proposed ordinance regarding peddlers, transient merchants and vendors. The Township's current ordinance is 40 years old and in need of updating. The proposed ordinance will continue to prohibit door-to-door sales but does establish a permitting process for vendors to sell food products within the public ways of the Township (e.g. an ice cream truck). Fundraisers for schools, churches, scouting organizations, etc. will be exempt from the provisions of the ordinance.

Public Comment:

Thomas Sunday, 14227 Landings Way

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Mr. Sunday asked if the ordinance regulates political activities such as circulating petitions. Supervisor Mathis stated that those activities are exempt from the provisions of the proposed ordinance.

The second reading of the proposed ordinance will be conducted at the 4/20/09 meeting.

**UNFINISHED BUSINESS:**

**Proposed Agreement, Development of Overlay District for Thompson Road Corridor – Birchler Arroyo Associates, Inc.**

Supervisor Mathis reviewed a proposal from Birchler Arroyo Associates to develop Zoning Ordinance amendments related to the Thompson Road Corridor. Treasurer Tucker stated that this is simply the next step in the process of developing the Thompson Road Corridor Plan by implementing the pattern book and initiating the overlay district and the town center district for incorporation into the Zoning Ordinance. With development activity still low this is a good time to work on this project.

Motion to approve the agreement with Birchler Arroyo Associates Inc. for the development of Thompson Road Corridor Zoning Ordinance amendments as presented.

Motion by: Tucker  
Seconded: Goupil  
Ayes: Mathis, Krug, Tucker, Goupil, Kesler  
Nays: None  
Absent: Brown, Hill

Motion carried.

**Community Shred Event Reminder – 4/25/09**

Supervisor Mathis reminded the board and the audience of the upcoming community shred event on 4/25/09. Fenton Township residents will have the opportunity to have personal documents shredded free of charge.

**NEW BUSINESS:**

**Award of Contract – Lawn, Landscape & Beach Maintenance**

Supervisor Mathis reviewed the results of proposals submitted for lawn, landscape and beach maintenance services. A total of nine proposals were received. Shoemaker Services, Inc. submitted the lowest cost proposal. They are a Fenton-based company with excellent references. It is recommended that the contract be awarded to Shoemaker Services, Inc.

Motion to approve a 2-year Lawn, Landscape & Beach Maintenance Agreement with Shoemaker Services, Inc. as presented, and to authorize the Township Supervisor and Clerk to execute said agreement on behalf of Fenton Township.

Motion by: Mathis  
Seconded: Krug  
Ayes: Mathis, Krug, Tucker, Goupil, Kesler  
Nays: None  
Absent: Brown, Hill

Motion carried.

**Schedule Public Hearing – Revised Industrial Facilities Exemption Certificate Application, Thompson I.G., LLC**

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Noting that the Township Board recently approved an Industrial Facilities Exemption certificate, (property tax abatement), for Thompson I.G., Supervisor Mathis explained that the company has purchased additional equipment that they would like to add to the certificate. Since the application has not yet been filed with the State Tax Commission, the simplest approach would be to revise their original application. A public hearing is required before the Township Board can take action on their revised application.

Motion to schedule a public hearing for April 20, 2009 to consider the revised application of Thompson I.G., LLC for an Industrial Facilities Exemption Certificate for new equipment located at their Thompson Road facility.

Motion by: Mathis  
Seconded: Tucker  
Ayes: Mathis, Krug, Tucker, Goupil, Kesler  
Nays: None  
Absent: Brown, Hill

Motion carried.

**Proposed 2009 Budget Amendments**

Operations Manager Broecker reviewed proposed 2009 budget amendments. There are relatively minor amendments proposed for the General Fund with a net change of zero. There are also minor amendments proposed for the Solid Waste Management and Mosquito Control Funds. There are no proposed amendments for the Fire Fund or Sewer Fund.

Motion to adopt amendments to the 2009 Fenton Township Budget as presented.

Motion by: Tucker  
Seconded: Krug  
Ayes: Mathis, Krug, Tucker, Goupil, Kesler  
Nays: None  
Absent: Brown, Hill

Motion carried.

**BOARD COMMENT:**

Supervisor Mathis thanked the four Boy Scouts for attending tonight's meeting and leading the pledge of allegiance. This meeting will count toward a merit badge for each of the young men. Clerk Krug also expressed appreciation for the Boy Scouts' attendance, noted that he recently assumed the position of Vice-Chair of programs for the Tall Pine Council of the Boy Scouts.

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

K.C. Baran and Dan Zawlocki (Fenton Township representatives on the Southern Lakes Parks & Recreation Board of Directors)

Mr. Baran stated that he would like to address issues discussed at the last board meeting regarding Southern Lakes Parks and Recreation (SLPR) and Lake Fenton Schools. A tentative settlement of the lease issue has been reached. SLPR will pay Lake Fenton Schools \$58,000 in lease payments once a new lease agreement is approved by both parties. Mr. Baran took exception to two comments made at the 3/16/09 meeting:

1. A statement was made that SLPR's failure to make their lease payments was "unethical". When legal and factual issues are in dispute it is in no way unethical to withhold payment until those issues are resolved.

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2. A comment from a member of the audience indicated that the SLPR board was making “uninformed decisions”. Mr. Baran stated that he and Mr. Zawlocki have devoted many hours to these issues and are well aware of all facts.

Mr. Zawlocki added that he and Mr. Baran have worked very hard to resolve these issues. Their primary goal is to provide the best programs for our community.

Supervisor Mathis stated that she is proud to have Mr. Baran and Mr. Zawlocki representing Fenton Township on the SLPR Board.

**ADJOURN:** Meeting adjourned at 8:25 p.m.

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 4/7/09**