

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MAY 18, 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, Brown, Goupil, Kesler, Operations Manager  
Broecker and Attorney Cooley

Absent: Hill

**PLEDGE OF ALLEGIANCE:**

Supervisor Mathis led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Motion to approve the 5/18/09 Fenton Township Board Meeting agenda as presented.

Motion by: Brown

Seconded: Tucker

Ayes: All Present

Nays: None

Absent: Hill

Motion carried. The agenda is approved.

**MEETING MINUTES:**

The minutes for the 5/4/09 regular meeting stand approved as presented.

**EXPENDITURES:**

Motion to approve invoices and expenditures for all funds totaling \$308,125.83 for payment as presented.

Motion by: Brown

Seconded: Tucker

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

Nays: None

Absent: Hill

Motion carried.

**PUBLIC HEARINGS:**

None

**REPORTS:**

**Genesee County Senior Citizen Services Program Update**

Supervisor Mathis reviewed a report from Genesee County regarding the uses of funds generated by the county-wide senior service millage for the 2007-2008 fiscal year. It was noted that the total expenditures for the Loose Senior Citizen Center in Linden were among the highest of centers in Genesee County, although a significant amount of that was for facility improvements.

**Byram Lake Association Newsletter**

Supervisor Mathis complimented the Byram Lake Association for their very informative newsletter.

**COMMUNICATIONS:**

None

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**ADOPTION OF ORDINANCES:**

**Proposed Tall Grass Ordinance/2<sup>nd</sup> Reading**

Supervisor Mathis reviewed a proposed ordinance to regulate grass height in Fenton Township, which was introduced at the 5/4/09 meeting. As discussed during the first reading, the proposed ordinance limits grass height to 12 inches on residential and commercial properties less than one acre in size and have a structure. Vacant lots in subdivisions are not subject to the ordinance unless the subdivision is at least 75% developed. The proposed ordinance gives the Township the authority to cut the grass at the owner's expense if voluntary compliance is not achieved. Any unpaid costs will be added to the property tax bill. There was no further discussion

Motion to adopt Ordinance No. 709, Tall Grass Ordinance, as presented.

Motion by: Goupil

Seconded: Tucker

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

Nays: None

Absent: Hill

Motion carried. Ordinance declared adopted.

**Rezoning # R09-002, David L. Boa, 06-02-400-017, (2226 Wiggins Road); C-2 to R-4/1<sup>st</sup> Reading**

Supervisor Mathis introduced a proposed rezoning ordinance for property on Wiggins Road. Treasurer Tucker explained that the owner is having difficulty selling the property because it is a house on commercially zoned property. Since the area is designated for medium density residential in the Township's Future Land Use Plan, the Planning Commission has recommended approval of the rezoning.

There was no public comment. The second reading of the proposed ordinance will be conducted at the 6/1/09 meeting.

**Proposed Zoning Ordinance Amendment – Halls/1<sup>st</sup> Reading**

Supervisor Mathis introduced a proposed Zoning Ordinance amendment to change the use "Halls" from a permitted use to special use permit in the OS zoning district; to make the use a permitted use in the C-2 zoning district and special use permit in the C-1 zoning district. Treasurer Tucker explained that this is a "cleanup" amendment. The Planning Commission noticed that Halls was not a permitted use in the C-2 zoning district, but was listed in C-1 and C-3. The proposed amendment would result in this use being a permitted use in C-2 and C-3 and a use permitted by special use permit in C-1 and OS.

There was no public comment. The second reading of the proposed ordinance will be conducted at the 6/1/09 meeting.

**UNFINISHED BUSINESS:**

None

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**NEW BUSINESS:**

**Resolution No. 2009-19, Land Division Policy**

Supervisor Mathis reported that the Assessor has asked the Township Board to consider adopting a policy regarding land divisions. There have been situations in the past, particularly in other municipalities, where land divisions are completed even though property taxes are not up to date. This creates a situation where the back taxes may be uncollectible and ultimately charged off. By adopting a policy resolution to require that all taxes are paid up to date before any land division can be approved, this situation can be avoided. Treasurer Tucker questioned whether the proposed policy was in conflict with state law, particularly as it relates to special assessments. After additional discussion and consultation with Attorney Cooley, the board agreed to proceed with adoption of the resolution. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2009-19**

*WHEREAS, the Charter Township of Fenton has been made aware of situations whereby the division or combination of parcels of land may result in the charge-off of property taxes and/or the loss of collateral for mortgage holders, and*

*WHEREAS, in order to prevent these adverse situations, a local unit of government may adopt, by resolution, policies to protect the local taxing units and the banks & mortgage companies;*

*NOW, THEREFORE, BE IT RESOLVED, that the Township Board of the Charter Township of Fenton hereby adopts the following policies:*

- 1. Property taxes and any special assessments must be fully paid and up to date for any parcel of land before it can be divided or combined with another parcel of land.*
- 2. If requested by Fenton Township, the applicant for a land division must provide to the Township a letter of release from the mortgage holder of the subject property that acknowledges and consents to the land division.*

Motion to adopt Resolution No. 2009-19 as presented.

Motion by: Krug

Seconded: Mathis

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

Nays: None

Absent: Hill

Motion carried. Resolution declared adopted.

**Resolution No. 2009-20, Schedule Public Hearing on Revised Special Assessment Roll – Lakeside Landing Drainage System Maintenance**

Operations Manager Broecker reported that the special assessment for maintenance of the drainage system installed in the Lakeside Landing area needs to be revised due to additional costs. There are two reasons for the increased costs:

1. The pumps used in the pump station are worn out and need to be replaced.
2. When the original maintenance special assessment was established it was assumed that the electricity for the pump station would be billed directly to the association. The Consumers Energy account was actually set up under the

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Township's name. It has since been decided to leave the account in the Township's name, however additional assessments will be necessary to bring the account out of a deficit situation. The proposed revised special assessment roll includes a one-time assessment in July 2009 to generate enough funds to cover the cost of the new pumps and the cost of electricity and maintenance through the end of 2009. The December 2009 assessment will be adjusted to reflect the actual anticipated maintenance costs for 2010.

A public hearing is required to formally revise the special assessment roll. A resolution has been prepared to schedule the public hearing. Clerk Krug presented the following resolution.

**RESOLUTION NO. 2009-20**

*WHEREAS, Fenton Township Special Assessment Roll 2008-1 for the Lakeside Landing Drainage System Maintenance Special Assessment District was confirmed by the Fenton Township Board on January 7, 2008, and*

*WHEREAS, subsequent to the confirmation of said special assessment roll, it was determined that additional costs would be incurred for the replacement of pumps and for ongoing electrical costs for the drainage system, thus creating a deficit in the special assessment maintenance fund, and*

*WHEREAS, a revised special assessment roll including all parcels within the Lakeside Landing Drainage Improvement Maintenance Special Assessment District will cover these additional costs and eliminate the aforementioned deficit, and*

*WHEREAS, the Supervisor and assessing officer of Fenton Township has, in accordance with the laws and statutes pertinent thereto, prepared a revised special assessment roll covering all parcels of land in the Lakeside Landing Drainage System Maintenance Special Assessment District, and has affixed thereto her Certificate as required;*

*THEREFORE BE IT RESOLVED, that said revised 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 June 1, 2009 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*

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*least ten (10) days prior to said hearing, all in accordance with the law and statute provided.*

Motion to adopt Resolution No. 2009-20 as presented.

Motion by: Krug

Seconded: Brown

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

Nays: None

Absent: Hill

Motion carried. Resolution declared adopted.

**BOARD COMMENT:**

Trustee Goupil reported that the Genesee County Sheriff Department Marine Division has begun lake patrols for the 2009 season.

Supervisor Mathis stated that she is still receiving many calls regarding high lake levels and flooding throughout the Township. The Genesee County Drain Commissioner's office is looking at some of the situations but it is important for residents to understand that the Township, although it has no authority over lake levels, is trying to help when it can.

Treasurer Tucker thanked the members of the Township Board that attending last week's Planning Commission meeting. He also reported that the State of Michigan is projecting another 5% reduction in revenue sharing for the 2009-2010 fiscal year. It is important that the Township continue to look for ways to reduce costs.

Supervisor Mathis stated that the Township's attorneys in the JGA lawsuit have requested a special meeting to discuss settlement issues. A date has not yet been set but will be communicated as soon as a meeting is scheduled.

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

Ward Lindsay, 13510 Horrell Road

Mr. Lindsay distributed a flyer for a public forum scheduled for Thursday 5/21/09 to discuss healthcare reform. The public forum will begin at 7:00 p.m. at the Fenton Community Center in the City of Fenton. He invited the board members and public to attend this session.

Ed Collins, 13056 Harbor Landings Drive

Regarding the presentation of financial statements at the 5/4/09 meeting, Mr. Collins asked what interest rates the Township had received on bond issues. Operations Manager Broecker confirmed that the recent bond sales have been between 4-5%. The Township is also pursuing low-interest stimulus money through the State Revolving Fund (SRF) for sewer repairs. Mr. Collins feels the Township needs to do more to obtain grants. He also would like to see more information available to the public in general and specifically more information regarding the sewer project and the sewer rates. Treasurer Tucker stated that additional information has been developed and he anticipates including it in future bill mailings. Trustee Goupil stated that if residents are not as well informed as they could be, it is not the fault of the Township. The Township makes a great deal of information available to the public, but the residents need to take the initiative to make use of the information.

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Susan Foland, 11421 Fairbanks Road

Ms. Foland asked if the Township could use e-mail capabilities to provide alerts to residents when new information is added to the Township's website or to issue newsletters by e-mail. Operations Manager Broecker stated that subscriptions to Township newsletters by e-mail have been available since 2007. The use of e-mail alerts for new website notices will be researched.

Ms. Foland noted that the Loose Senior Citizen Center is proposing to expand their facilities in Linden and suggested that this information should be communicated at a Township Board meeting. Supervisor Mathis and Clerk Krug clarified that the Loose Senior Citizen Center is a separate entity and the Township has no authority or input on such issues.

**ADJOURN:** Meeting adjourned at 8:35 p.m.

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 5/19/09**