

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JUNE 1, 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, Brown, Goupil, Operations Manager Broecker and Attorney
Cooley

Absent: Tucker, Hill, Kesler

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Trustee Goupil reported that Fire Chief Moulton was ill and he will provide his monthly report at the 6/15/09 meeting. Motion to approve the 6/1/09 Fenton Township Board Meeting agenda as amended.

Motion by: Brown

Seconded: Krug

Ayes: All Present

Nays: None

Absent: Tucker, Hill, Kesler

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 5/18/09 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$316,037.37 for payment as presented.

Motion by: Krug

Seconded: Brown

Ayes: Mathis, Krug, Brown, Goupil

Nays: None

Absent: Tucker, Hill, Kesler

Motion carried.

PUBLIC HEARINGS:

Lakeside Landing Drainage System Maintenance Special Assessment - Hearing on Revised Special Assessment Roll

Supervisor Mathis opened a public hearing for a proposed revised special assessment roll for the Lakeside Landing Drainage System Maintenance Special Assessment. The revisions to the special assessment roll are necessary to correct an existing and projected deficit in the drainage system maintenance fund. When the special assessment district was established, it was anticipated that the electricity for the pump station would be billed directly to the property owners association. When the account was established by Consumers Energy it was put in Fenton Township's name. Therefore the amount collected in the maintenance special assessment has been insufficient to cover all maintenance costs. It has since been determined that the account will remain under the Township's name so the electricity costs for 2008 and 2009 need to be recovered from the special assessment district.

The proposed revised special assessment roll includes:

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- A one-time assessment in July 2009 “catch up” on electricity costs. Those costs are projected to total \$6,674.00 to cover electricity costs for 2008 and 2009. This one-time assessment is \$476.72 per parcel.
- A revised annual assessment amount of \$330.00 per parcel beginning with the December 2009 property tax bill.

The Township has been advised that the property owners have not yet reached a decision regarding proposed upgrades to the drainage system, including the potential replacement of pumps. Once a direction has been determined it will likely be necessary to revise the construction special assessment roll as well.

The board will accept 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.

Public Comment:

Terry Masse, 13278 Lakeside Landing

Mr. Masse questioned the method for determining the projected electricity costs. Operations Manager Broecker explained that the figures are based on the actual Consumers Energy bills processed since the pump station was installed. He also noted that the assessment can be adjusted annually based on actual costs.

William Munro, 13254 Lakeside Landing

Mr. Munro stated that he believes that the excessive amounts of water near their properties were caused by the construction of the turning land for the McCully Lake Estates No. 2 subdivision. Supervisor Mathis stated that this drainage issue has been reviewed by the Genesee County Road Commission, Genesee County Drain Commissioner, MDEQ and the Township Engineers and there is no evidence that the water from Lakeside Landing drained to the east side of Fenton Road. It is more likely that the storm water drained into the sanitary sewer system for years. When the sewer lines were repaired the flooding problems began.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2009-21

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 revised assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of paying the costs of the drainage system maintenance within the Lakeside Landing Drainage System Maintenance 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

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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 revised assessment roll and considered all comments and proposed amendments thereto and has found the proposed revised assessment roll, as submitted, to be correct, just and reasonable;

THEREFORE BE IT RESOLVED, that the revised assessment roll submitted by the supervisor and assessing officer of the Township shall hereafter be designated as Fenton Township Revised Special Assessment Roll No. 2008-1, and shall hereby be confirmed as the assessment roll for the Lakeside Landing Drainage System Maintenance Special Assessment District.

BE IT FURTHER RESOLVED, that the first assessment in said Fenton Township Lakeside Landing Drainage System Maintenance Special Assessment Roll shall be due and payable on July 1, 2009 and all subsequent assessments shall be due and payable on the first day of December of each year, beginning in 2009. The amount of each payment may be adjusted on an annual basis, relative to changes in the actual cost of drainage system operation and maintenance.

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, 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.

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. 2009-21 as presented

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

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Motion carried. Resolution declared adopted.

REPORTS:

Cable TV / Video Complaints

Supervisor Mathis read reviewed a letter from the Michigan Public Service Commission (PSC) regarding cable television / video service complaints. Consumers must first try to resolve any disputes with the service provider. If that is unsuccessful they can contact the PSC at 1-866-552-7725.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Rezoning # R09-002, David L. Boa, 06-02-400-017, (2226 Wiggins Road); C-2 to R-4/2nd Reading

Supervisor Mathis reviewed a proposed rezoning ordinance for property on Wiggins Road, which was introduced at the 5/18/09 meeting. The property 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 further discussion.

Motion to adopt Ordinance No. 710, an amendment to Zoning Ordinance No. 594 to rezone parcel 06-02-400-017 from C-2 to R-4, as presented.

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

Motion carried. Ordinance declared adopted.

Proposed Zoning Ordinance Amendment – Halls/2nd Reading

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment that was introduced at the 5/18/09 meeting. The proposed amendment would 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. There was no further discussion.

Motion to adopt Ordinance No. 711, an amendment to Zoning Ordinance No. 594 to make "Halls" a permitted use in the C-2 zoning district and a use permitted by special use permit in the OS and C-1 zoning districts, as presented.

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

Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS:

Special Meeting – 6/8/09

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Supervisor Mathis stated that a special meeting has been scheduled for Monday 6/8/09 at 7:30 p.m. The purpose of the meeting is to conduct a closed session to discuss the JGA lawsuit.

NEW BUSINESS:

Appointments to Fenton Township Planning Commission

Supervisor Mathis reported that three Planning Commission terms ended as of 5/31/09. She has spoken to the three current Planning Commission members, (Tom Richard, Jim Root and Marty Spees), as well as two other interested individuals: Vince Lorraine and Blaine Walker. Mr. Lorraine is a 22-year resident of Fenton Township, a local business owner and is very interested in becoming more involved in the community. Mr. Walker, a lifelong Fenton Township resident, formerly worked for Lopez Engineering and has also expressed a strong interest in serving the community. After reviewing all candidates, Supervisor Mathis is prepared to make the Planning Commission appointments.

Motion to appoint Vince L. Lorraine to the Fenton Township Planning Commission for the term ending May 31, 2012.

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

Motion carried.

Motion to re-appoint Thomas J. Richard to the Fenton Township Planning Commission for the term ending May 31, 2012.

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

Motion carried.

Motion to re-appoint Martin K. Spees to the Fenton Township Planning Commission for the term ending May 31, 2012.

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

Motion carried.

BOARD COMMENT:

Clerk Krug reported that the Genesee County Board of Commissioners has approved a county-wide millage proposal for Hurley Medical Center. If approved the 0.9 mill levy would generate approximately \$10,000,000 per year for ten years. The election will be held Tuesday 8/4/09. The Township will be responsible for the cost of administering the election.

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Supervisor Mathis reported that the Township has already begun to receive calls regarding potential violations of the recently adopted Tall Grass Ordinance. The public should be advised that the effective date of the ordinance is 6/23/09.

Supervisor Mathis expressed concern regarding several recent incidents where residents have been verbally abusive to Township employees. This type of behavior is unacceptable and any future incidents will be referred to the Genesee County Sheriff Department.

Supervisor Mathis also expressed concern regarding the increasing number of neighborhood disputes and fights over a multitude of issues (property lines, docks, easements, etc.). It is important for residents to understand that the Township has no authority in many of these situations and should be referred to the appropriate authorities (law enforcement, DEQ, legal counsel, etc.).

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Ed Collins, 13056 Harbor Landings Drive

Mr. Collins suggested that the Township change the sewer bills to more clearly show what portion of the sewer bill is paid to Genesee County. Supervisor Mathis stated that this would be researched.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked where the water being pumped from the ground as part of the sewer repair on Lake Valley Drive is going. Supervisor Mathis confirmed that the water is draining into Crooked Lake. Mr. Hawcroft also asked about the recent special assessment for the Ponemah Channel. Supervisor Mathis explained that the residents that use the channel requested a special assessment to clean out the mouth of the channel to improve navigability. Mr. Hawcroft also stated that the developers of the Cottage Cove project have been sending construction traffic down Ponemah Drive. Supervisor Mathis stated that the developer was contacted when this was reported to the Township and they have discontinued this practice.

Ryan Oxford, representing State Representative Paul Scott

Mr. Oxford reported that the State House of Representatives recently passed a bill, co-sponsored by Representative Scott, banning smoking in the workplace, including bars and restaurants (with a few exemptions). For more detailed information, residents can visit Representative Scott's "online office" at www.gophouse.com.

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

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 6/2/09