

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF AUGUST 3, 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, Tucker, Brown, Goupil, Hill, Operations Manager Broecker and  
Attorney Cooley

Absent: Krug, Kesler

**PLEDGE OF ALLEGIANCE:**

Supervisor Mathis led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Motion to approve the 8/3/09 Fenton Township Board Meeting agenda as presented.

Motion by: Tucker

Seconded: Hill

Ayes: All Present

Nays: None

Absent: Krug, Kesler

Motion carried. The agenda is approved.

**MEETING MINUTES:**

The minutes for the 7/20/09 regular meeting stand approved as presented.

**EXPENDITURES:**

Motion to approve invoices and expenditures for all funds totaling \$978,789.77 for payment as presented.

Motion by: Brown

Seconded: Tucker

Ayes: Mathis, Tucker, Brown, Goupil, Hill

Nays: None

Absent: Krug, Kesler

Motion carried.

**PUBLIC HEARINGS:**

None

**REPORTS:**

**Fire Chief Report**

Fire Chief Moulton provided Fire Department statistics for the month of July: 57 total alarms (7 in Tyrone Township). Of those alarms there were 2 fires, 43 EMS calls, 1 hazardous condition, 9 service calls, 1 good intent call and 1 false alarm.

Chief Moulton also reported that the Fire Department had received a \$1,000 grant from Wal Mart, which will be used for community fire prevention programs.

**COMMUNICATIONS:**

None

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**ADOPTION OF ORDINANCES:**

**Rezoning #R09-003, Noralyn J. Arnold/Lloyd Richter, parcel 06-24-502-028 (14047 Fenton Road); C-2 to R-3/2<sup>nd</sup> Reading**

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to rezone property located on Fenton Road from C-2 to R-3, which was introduced at the 7/20/09 meeting. The board was reminded that the property is currently used as residential and the owner wishes to rezone in order to make it the property more marketable. The Future Land Use Plan designation for the subject parcel is medium density residential and the Planning Commission unanimously recommended approval of the rezoning. There was no further discussion.

Motion to adopt Ordinance No. 712, an amendment to Zoning Ordinance No. 594 to rezone parcel 06-24-502-028 from C-2 to R-3, as presented.

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

Motion carried. Ordinance declared adopted.

**Floodplain Management Ordinance/2<sup>nd</sup> Reading**

Supervisor Mathis reviewed a proposed ordinance regarding floodplain management, which was introduced at the 7/20/09 meeting. The proposed ordinance adopts the updated floodplain maps, complies with current FEMA requirements and allows property owners to continue to have access to flood insurance. There was no further discussion.

Motion to adopt Ordinance No. 713, an updated Floodplain Management Ordinance, as presented.

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

Motion carried. Ordinance declared adopted.

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

**Resolution No. 2009-24, FEMA Floodplain Management**

Supervisor Mathis stated that the Township is also required to adopt a resolution to go along with the adopted Floodplain Management Ordinance. There was no further discussion. Deputy Clerk Broecker presented the following resolution:

**RESOLUTION NO. 2009-24**

*WHEREAS, the Community of Fenton Charter Township currently participates in the Federal Emergency Management Agency's (FEMAs) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons,*

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*reducing property damage, and reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community, and*

**WHEREAS**, *the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:*

1. *Flood or Flooding* means:
  - a. *A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and*
  - b. *The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.*
2. *Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the FEMA, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E. (This is to be included only if the FEMA has issued a FHBM for the community).*
3. *Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).*
4. *Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.*
5. *Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.*
6. *Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.*

**WHEREAS**, *the Stille-Derossett-Hale Single State Construction Code Act”, Act No. 230 of the Public Acts of 1972, as amended (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G if adopted by the community)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas, as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and*

**WHEREAS**, *by an ordinance adoption action dated August 3, 2009, the community accepted the responsibility to administer, apply, and enforce the provisions of the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all construction within its community boundaries;*

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***NOW THEREFORE***, to maintain eligibility and continued participation in the NFIP,

1. *The community directs its designated enforcing agent for the construction code act, the Building Official for the Charter Township of Fenton, to administer, apply, and enforce the floodplain management regulations as contained in the state construction code (including Appendix G, if adopted) and to be consistent with those regulations by:*
  - a. *Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area and areas with potential flooding.*
  - b. *Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.*
  - c. *Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, the construction code act enforcing agent shall implement the following applicable codes according to their terms:*
2. *Floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.*
3. *Floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.*
4. *Appendix G of the current Michigan Building Code, if adopted.*
  - a. *Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.*
  - b. *Assisting in the delineation of flood hazard areas; providing information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintaining floodproofing and lowest floor construction records, cooperating with other officials, agencies, and persons for floodplain management.*
  - c. *Advising FEMA of any changes in community boundaries, including appropriate maps.*
  - d. *Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevations to which structures have been floodproofed.*
5. *The community assures the Federal Insurance Administrator (Administrator) that it intends to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to continue to participate in the program.*
6. *The community further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.*

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Motion to adopt resolution No. 2009-24 as presented:

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

Motion carried. Resolution declared adopted.

**Resolution No. 2009-25, Honoring Former Board of Review Member Joseph Jenio**

Supervisor Mathis noted that the Board had accepted the resignation of Joe Jenio from the Fenton Township Board of Review. A resolution has been prepared to honor Mr. Jenio for his years of public service. Deputy Clerk Broecker presented the following resolution:

**RESOLUTION NO. 2009-25**

*WHEREAS, Joseph Jenio recently stepped down from his position as a member of the Fenton Township Board of Review, and*

*WHEREAS, Mr. Jenio has been a resident of Fenton Township for many years, during which time he has contributed greatly to the progress and welfare of the community, most notably as a local business owner and a member of the Fenton Township Board of Review, and*

*WHEREAS, Mr. Jenio served loyally and faithfully as a member of the Fenton Township Board of Review from 2001 to 2009, exhibiting the qualities of vision and leadership throughout his tenure as an appointed official;*

*NOW, THEREFORE, BE IT RESOLVED, that the Township Board of the Charter Township of Fenton hereby recognizes Joseph Jenio for his valuable contributions to our community and expresses sincere appreciation and gratitude for his dedicated service to the government and citizens of Fenton Township;*

*BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the minutes of this meeting and a copy provided to Mr. Jenio.*

Motion to adopt Resolution No. 2008-25 as presented.

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

Motion carried. Resolution declared adopted.

**Resolution No. 2009-26, Revision to Loon Harbor Preserve Street Lighting Special Assessment**

Supervisor Mathis reported that the Township was recently approached by residents in the Loon Harbor Preserve development with a request to install additional street lights due to safety and security concerns. Consumers Energy has provided the plans to install five new street lights to go along with the 14 already in place. A revised special assessment roll has been prepared, certified and filed with the Township Clerk. A public

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hearing is required before action can be taken on the revised roll. There was no further discussion. Deputy Clerk Broecker presented the following resolution:

**RESOLUTION NO. 2009-26**

*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 in the total amount of \$2,656.00 for 2009 and \$2,280.00 per year for each year thereafter, covering all parcels of land within the Loon Harbor Preserve Street Lighting Special Assessment District, and has affixed thereto her Certificate as required by said Resolution;*

*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 August 17, 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 Loon Harbor Preserve Street Lighting 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. 2009-26 as presented.

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

Motion carried. Resolution declared adopted.

**BOARD COMMENT:**

None

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

George Frieling, 12414 St. Andrews Way

Mr. Frieling asked the board to consider placing a millage proposal on a future ballot to try to reduce the sewer use fees. He believes that many taxpayers, now that it is better understood that property taxes are tax-deductible while sewer fees are not, may now support the concept of a tax increase. Trustee Brown pointed out that one of the reasons that a millage has not been a popular option is the 15-20% of Township residents that are not connected to the sewer system. A millage would increase their taxes with no offsetting reduction in other costs. Treasurer Tucker also pointed out that a millage

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would place a larger burden on higher value properties. The sewer use fees, while high, treat everyone equally. The board thanked Mr. Frieling for his input.

Ed Collins, 13056 Harbor Landings Drive

Mr. Collins thanked the board for the recent newsletter and expressed appreciation for having it delivered by mail.

Gene Kovacs, 11521 Torrey Road

Mr. Kovacs also thanked the board for the recent newsletter. He believes that the action of the County government to place the Hurley millage proposal on the ballot is a "tragedy". He asked if the board has any recourse to challenge the election. Treasurer Tucker explained that there have been discussions regarding a lawsuit to challenge the legality of the ballot proposal. The results of the election will likely affect what direction is taken.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked who is responsible for putting the Hurley proposal on the ballot. The board confirmed that the Genesee County Board of Commissioners approved the ballot language. Mr. Hawcroft is very much opposed to the proposal.

**ADJOURN:** Meeting adjourned at 8:05 p.m.

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Bonnie Mathis, Supervisor

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Thomas Broecker, Deputy Clerk

**Minutes Posted 8/5/09**