

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF AUGUST 17, 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, Kesler, Operations Manager Broecker and
Attorney Cooley

Absent: Krug, Hill

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Treasurer Tucker asked to have the issue of election costs added to the Reports section of the agenda. Motion to approve the 8/17/09 Fenton Township Board Meeting agenda as amended.

Motion by: Brown

Seconded: Goupil

Ayes: All Present

Nays: None

Absent: Krug, Hill

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 8/3/09 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$370,331.01 for payment as presented.

Motion by: Tucker

Seconded: Brown

Ayes: Mathis, Tucker, Brown, Goupil, Kesler

Nays: None

Absent: Krug, Hill

Motion carried.

PUBLIC HEARINGS:

**Loon Harbor Preserve Street Lighting Special Assessment District/Public Hearing
on Revised Assessment Roll**

Supervisor Mathis reviewed a proposed revised special assessment roll for the Loon Harbor Preserve Street Lighting Special Assessment District. The proposed revisions would cover the costs associated with the installation of 5 additional street lights within the development, to go along with the 14 already in place. If approved, the 2009 assessment would be \$32.00 per parcel in the district, and is projected to be \$27.50 per parcel beginning in 2010. It was also noted that the 2008 assessment was \$23.00 per parcel.

Supervisor Mathis opened the public hearing for comments regarding the following:

1. The need for the additional street lights
2. An individual's assessment in relation to benefit received.
3. The total cost of the project.

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4. The validity of the proceedings to date.

Public Comment:

Gloria Rolak, 13247 Harborview Drive

Ms. Rolak, a member of the Loon Harbor Preserve association board, voiced support for the additional street lights. There have been burglaries in their neighborhood and the additional street lights should improve security. There are very few, if any, residents that opposed the additional street lights.

There was no further discussion. Deputy Clerk Broecker presented the following resolution:

RESOLUTION NO. 2009-27

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 adding the costs of installation and ongoing maintenance for five additional street lights proposed to be installed within the Loon Harbor Preserve Street Lighting Special Assessment District as shown on the plans and specification for such project, and

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

AND WHEREAS, all present at said public hearing were given the opportunity to be heard in the matter, and

AND WHEREAS, no written objections were received to said roll and levy, and

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 the Fenton Township Special Assessment Roll No. 2009-2 and shall hereby be confirmed as the revised assessment roll for the Loon Harbor Preserve Street Lighting Special Assessment District, and

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2009-2 shall be paid in annual installments with the first installment to be due and payable on December 1, 2009 and the following installments to be due and payable on the first day of December of each year thereafter. The amount of each payment may be adjusted on an annual basis, relative to changes in the actual cost of street light operation and maintenance, 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

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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, 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

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. 2009-27 as presented.

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

Motion carried. Resolution declared adopted.

REPORTS:

Election Results – 8/4/09

The board reviewed a report of election results from 8/4/09 regarding the Hurley millage proposal. Fenton Township had one of the highest turnouts in Genesee County with just under 25% of registered voters casting a ballot. Approximately 80% of the Fenton Township voters voted “No”, which was also among the highest in the County. Treasurer Tucker stated that the turnout outside the City of Flint was higher than anticipated, which is the primary reason the proposal failed. Treasurer Tucker also criticized the Genesee County Commissioners for the timing of the ballot proposal, adding that the cost of administering the election was an unfunded mandate that the Township should not have to pay. Trustee Goupil pointed out that all communities in District 6 defeated the proposal by a wide margin. He believes that Commissioner Lockwood needs to do a better job of obtaining input from her constituents before making important decisions.

Treasurer Tucker reviewed a breakdown of costs related to the 8/4/09 election. Fenton Township spent \$3,321.54 for election inspectors, equipment transportation & setup and other related expenses. Additionally, the Township has received an invoice from Genesee County in the amount of \$1,698.20 for ballot printing, public notices, supplies and coding/tabulation. After additional discussion the board agreed that the invoice from Genesee County should not be paid and that the Township should bill its elections costs to the County, through Commissioner Lockwood.

Motion to not pay the invoice from Genesee County in the amount of \$1,698.20 for costs related to the 8/4/09 election and to send an invoice to Genesee County in the amount of \$3,321.54 for costs incurred by the Township for the 8/4/09 election as an unfunded mandate.

Motion by: Tucker

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

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Dangerous Buildings Ordinance/1st Reading

Supervisor Mathis introduced a proposed Dangerous Buildings Ordinance. This ordinance has been in the works for several months and was recently reviewed by the Planning Commission. Treasurer Tucker reported that the Planning Commission has recommended adoption of the ordinance, which deals with unsafe, dangerous structures, giving the Township leverage in resolving such issues. The ordinance may need additional revisions in the future but the general opinion is that getting the ordinance adopted and on the books is a step in the right direction. Trustee Brown expressed some concern regarding the ordinance's impact on existing agricultural structures. It was emphasized that the ordinance applies to structures that are truly dangerous, not merely in disrepair.

There was no public comment. The second reading of the proposed ordinance will be conducted at the 9/8/09 meeting.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Staff Resignation

Supervisor Mathis reported that Township office employee Sandra Brayton has submitted a letter of resignation. Her husband is recently retired and they are moving to Florida. Sandy has worked for Fenton Township since 2000 as a Secretary/Receptionist and Election Coordinator. Everyone at the Township will certainly miss Sandy but everyone wishes her well.

Motion to accept, with regrets, the resignation of Sandra K. Brayton, effective August 28, 2009.

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

BOARD COMMENT:

Treasurer Tucker voiced disappointment regarding the headlines that accompanied two articles published recently. He believes that the headline in a Flint Journal article gives the false impression that the Township is considering an increase to sewer fees, when in

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fact it was simply a resident asking the board to consider a millage proposal in order to reduce sewer fees. A Tri-County Times headline may have given the impression that the Township paid \$100,000 in damages to developer Joe Asher as a result of settling a lawsuit, plus incurred \$300,000 in legal fees. The truth is that the damage award and the legal costs were paid by the Township's insurance company. Mr. Asher was quoted as saying that the Township admitted that they made a mistake. This is absolutely false. Seven of the original eight counts brought in Mr. Asher's lawsuit were dismissed. The cost of litigating the one remaining claim would have exceeded the settlement amount so the insurance company was compelled to settle the lawsuit. Mr. Tucker acknowledged that the articles themselves were fairly accurate and urged residents to read beyond misleading headlines.

Supervisor Mathis reported that 3 suspects were apprehended during an attempted burglary on Butcher Road. She commended the Genesee County Sheriff Department for their quick response to the situation and the fast capture of the suspects. She urged residents to lock their doors and take other security measures to protect their property.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

None

ADJOURN: Meeting adjourned at 8:15 p.m.

Bonnie Mathis, Supervisor

Thomas Broecker, Deputy Clerk

Minutes Posted 8/18/09