

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 5, 2009**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Clerk Krug called the meeting to order at 7:30 p.m.

Present: Krug, Tucker, Brown, Goupil, Hill, Kesler, Operations Manager Broecker
and Attorney Cooley

Absent: Mathis

PLEDGE OF ALLEGIANCE:

Clerk Krug led the pledge of allegiance to the flag.

APPOINTMENT OF TEMPORARY CHAIRPERSON:

Due to the absence of the Township Supervisor, a temporary chairperson needs to be appointed for tonight's meeting.

Motion to appoint Clerk Krug as chairman pro-tem.

Motion by: Brown

Seconded: Tucker

Ayes: All Present

Nays: None

Absent: Mathis

Motion carried.

APPROVAL OF AGENDA:

It was noted that Fire Chief Moulton could not attend tonight's meeting. His report will be moved to the 10/19/09 agenda. Motion to approve the 10/5/09 Fenton Township Board Meeting agenda as amended.

Motion by: Tucker

Seconded: Brown

Ayes: All Present

Nays: None

Absent: Mathis

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 9/21/09 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$396,404.63 for payment as presented.

Motion by: Brown

Seconded: Tucker

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

Nays: None

Absent: Mathis

Motion carried.

PUBLIC HEARINGS:

Proposed 5-year Renewal - Byram Lake Improvement Special Assessment

Chairman Krug opened a public hearing on the special assessment roll for a 5-year renewal of the Byram Lake Improvement Special Assessment. The assessment per share will be \$176.17 per year for five years. It was noted that the per-year assessment

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for the previous 5-year period was \$178.81 per share. The public may comment on 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. Operations Manager Broecker presented the following resolution:

RESOLUTION NO. 2009-33

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 weed eradication/control project proposed to be continued within the Byram Lake 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;

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. 2009-4 and shall hereby be confirmed as the assessment roll for the Byram Lake Improvement Special Assessment District.

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2009-4 shall be divided into five annual installments with the first installment due on or before December 1, 2009 and the following installments to be due on or before the first day of December of each year thereafter indicated.

BE IT FURTHER RESOLVED, that future due installments of an assessment against any parcel of land may be paid to the Township Treasurer at any time in full. 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

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reported to the Township Board for reassessment upon the Township tax roll, in accordance with Michigan P.A. 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. 2009-33 as presented.

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

Motion carried. Resolution declared adopted.

Pine Lake Drainage & Lake Level Issues

Chairman Krug stated that, at a recent meeting, the Township Board discussed a proposal to petition the Genesee County Drain Commissioner to establish a drainage district for the Pine Lake area to address lake level and drainage issues. The board wants to give Pine Lake residents the opportunity to provide input on this issue before making any decisions.

The following individuals commented on the issue:

Paul Dorland, 4448 Eleanor Drive
K.C. Baran, 5151 Harp Drive
Dawn Holcomb, 4407 Harp Drive
William Freeman, 5047 Harp Drive
Bill Naples, 16048 Pine Bluff Court
Tom Langohr, 4521 Harp Drive
Alan Kunding, 16108 Scenic View Drive
Bruce Lewis, 16127 Scenic View Drive
Ron Williams, 16118 Scenic View Drive
Bob Siegwald, 5057 Harp Drive
Marc Giguere, 16121 Scenic View Drive
David McCredie, 16034 Pine Bluff Court
Sharon Dorland, 4448 Eleanor Drive
David Walton, 16187 Meredith Court

Comments from those that oppose Township action to initiate drain district proceedings with the Genesee County Drain Commissioner included:

- The current problems have several causes, including runoff from new developments, filling in of detention areas and the development of Chateaux du Lac, which blocked a natural water course that allowed water to drain from Pine Lake to Silver Lake.

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- The water level on Pine Lake has always fluctuated. A drain district is not necessary.
- The entire lake should not have to pay to protect a small number of properties.
- The affected properties could solve their problems with seawalls and/or berms.
- Residents cannot afford more costs.

Comments from those that support Township action to initiate drain district proceedings with the Genesee County Drain Commissioner included:

- A drain district is needed to protect properties and property values.
- The cost of drainage improvements would not be high.
- Drainage from new developments is a very small part of the increased water level.
- The high water level is causing trees to die.
- The high water level is affecting the effectiveness of catch basins, which allows pollutants to enter the lake.
- Current FEMA maps indicate that most properties on Pine Lake are not in a flood plain. The natural water level should not be this high.
- Seawalls are not sufficient to protect homes from the high water levels.

State Senator John Gleason, who is in attendance on another issue, urged the residents and the Township Board to find a common ground to resolve the issue.

County Commissioner Pat Lockwood, also in attendance for another matter, supported the concept of moving forward to at least obtain cost estimates to provide a good basis for a final decision.

Chairman Krug again emphasized that the Township does not have any authority in creating the drain district, other than petitioning the Drain Commissioner to begin the process. The ultimate decision will be made by the Drain Commissioner's office after engineering studies and public hearings.

Treasurer Tucker stated that he wants to help the property owners and believes the board should base their decision on what direction the majority of the property owners want to take.

Trustee Hill stated that he feels that the Township has enough information to make the decision. The drain district process should move forward to help the affected properties.

Trustee Goupil would like to look into the Chateaux du Lac issue further, but otherwise supports Treasurer Tucker's statements.

Trustee Brown stated that he has reviewed the FEMA floodplain maps and several homes are indeed inside the floodplain boundaries. He favors moving the process forward to help the property owners.

An informal poll indicated that 60% of those in attendance were in favor of the Township petitioning the Genesee County Drain Commissioner to initiate drain district proceedings. Treasurer Tucker expressed concern that those in attendance comprise only about 20-25% of the lakefront properties. The 60/40 split may or may not be representative of the entire lake.

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After further discussion the board decided to take action on the petition resolution. Operations Manager Broecker presented the following resolution:

RESOLUTION NO. 2009-29

BE IT RESOLVED, that Charter Township of Fenton make and cause to be filed a petition in form substantially as follows:

CHAPTER 3 PETITION

TO THE DRAIN COMMISSIONER FOR THE
HEREINAFTER MENTIONED GENESEE
COUNTY, MICHIGAN DRAIN PROJECT

The undersigned public corporation hereby petitions for the establishment of an Intra-County drainage district for the proposed Pine Lake Outlet Drain, to be located and established in the Charter Township of Fenton and asks that the Drain Commissioner lay out and establish the drainage district, the location to be substantially as follows:

Beginning at a point in Silver Lake located approximately 2870 north and 2320 west of the East ¼ point section 33, T5N:R6E, Fenton Township, Genesee County, Michigan; thence nwly 1820 ft; thence swly 1600 ft to a point in Pine Lake.

Which drain district and proposed project is necessary for the public health and is located within the limits of Fenton Township.

This petition is filed pursuant to the provisions of Chapter 3 of Act No. 40 of the Public Acts of 1956, as amended.

It is understood that the cost of said project is to be assessed against the drainage district as determined by the Drain Commissioner.

A certified copy of the resolution of the governing body of the public corporation authorizing its execution is hereto attached.

BE IT FURTHER RESOLVED, That the Supervisor and Clerk be and hereby authorized and directed to execute said petition for and on behalf of Charter Township of Fenton and to file same with the Drain Commissioner of the County of Genesee.

BE IT FINALLY RESOLVED, that Charter Township of Fenton hereby consents to this Intra-County drain project and to an assessment at large for a percentage of the total amount assessed for the cost of the proposed work.

Motion to adopt Resolution No. 2009-29 as presented.

Motion by: Hill

Seconded: Tucker

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

Nays: None

Absent: Mathis

Motion carried. Resolution declared adopted.

State Senator John Gleason

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Senator Gleason stated that he is continuing to fight against proposed cuts to revenue sharing. He urged the board members to formally communicate their concerns to his attention to assist in this fight.

County Commissioner Pat Lockwood

Regarding Trustee Brown's request for help with a low spot on Jennings Road, Commissioner Lockwood stated that she is making arrangements to have a Genesee County Road Commission engineer visit the site and asked if Mr. Brown could be there as well. Trustee Brown will schedule a time that is mutually convenient.

Commissioner Lockwood also reported that the ambulance ordinance committee has begun to schedule meetings again and will keep the Township informed of any meetings.

Trustee Goupil stated that he hopes Commissioner Lockwood will listen to her constituents and municipalities regarding the ambulance ordinance. He was disappointed that she voted to put the Hurley millage issue on the ballot without getting sufficient input from her district. As a result, approximately 75-80% of the voters in the 6th district voted "no" on that issue. Commissioner Lockwood explained that she did not feel she could take away the people's right to vote on the issue. Treasurer Tucker stated that, even if the proposal was legal, it should have been done at an election that was already scheduled. The proposal was intentionally put on the August ballot when only the cities of Burton and Flint had elections scheduled. The proponents of the millage issue were counting on low voter turnout in the out-county area so the measure would pass. This was an "unfair fight" and an underhanded action.

REPORTS:

Ordinance Enforcement Quarterly Report

The board briefly reviewed the quarterly report from Ordinance Enforcement Officer Robert Atkinson.

COMMUNICATIONS:

Southern Lakes Trails & Pathways Meeting

Chairman Krug reported that the Southern Lakes Planning Initiative is conducting a meeting to discuss trails and pathways. The meeting will be held here at Fenton Township on Wednesday 10/7/09 at 7:00 p.m. Trustee Hill stated that this meeting is a continuation of a process that has been ongoing for some time. He urged board members to attend if possible.

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Resolution No. 2009-34, Schedule Public Hearing on Proposed 5-year Renewal - Squaw Lake Improvement Special Assessment

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Chairman Krug reported that Squaw Lake property owners have requested a 5-year renewal of their special assessment for weed control. A special assessment roll has been prepared, certified and placed on file with the Township Clerk. A public hearing is required before taking formal action on the special assessment roll.

There was no further discussion. Operations Manager Broecker presented the following resolution:

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RESOLUTION NO. 2009-34**

WHEREAS, the Supervisor and assessing officer of Fenton Township has, in accordance with P.A. 188 of 1954, as amended, prepared a special assessment roll in the approximate amount of \$8,250.00 per year for the years 2009 through 2013 inclusive, covering all parcels of land within the Squaw Lake Improvement Special Assessment District, and has affixed thereto her Certificate as required by said Public Act;

THEREFORE BE IT RESOLVED, that said 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 October 19, 2009 at 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 Squaw Lake Improvement 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. 2009-34 as presented.

Motion by: Krug

Seconded: Hill

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

Nays: None

Absent: Mathis

Motion carried. Resolution declared adopted.

Resolution No. 2009-35, Non-Profit Designation – Bird Foundation

Chairman Krug reported that the Bird Foundation, a local private foundation that provides funding to a number of charitable organizations in Genesee County, is seeking to obtain a charitable gaming license from the State Lottery Commission in order to hold a fundraising event in Fenton Township. A resolution from the local unit of government supporting the request is required before a license can be issued.

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Operations Manager Broecker presented the following resolution:

RESOLUTION NO. 2009-35

WHEREAS, the Bird Foundation is a local private foundation that provides funding for a variety of charitable organizations, primarily in Genesee County, and

WHEREAS, the Bird Foundation has been designated as a 501(c)3 exempt private foundation by the Internal Revenue Service, and

WHEREAS, the Bird Foundation wishes to obtain a charitable gaming license from the Michigan Bureau of State Lottery for the purpose of conducting a fund raising event in Fenton Township, and

WHEREAS, in order to obtain said license, the local municipality must adopt a resolution supporting the request;

*THEREFORE BE IT RESOLVED, by the Fenton Township Board of Trustees that the request from the **Bird Foundation**, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license, be considered for **Approval**.*

Motion to adopt Resolution No. 2009-35 as presented.

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

Motion carried. Resolution declared adopted.

Proposed 2009-2010 Law Enforcement Services Agreement - Genesee County Sheriff Department

Chairman Krug reported that the Genesee County Sheriff Department has presented a proposed agreement for law enforcement services for 2009-10. The total contract cost of \$634,311 includes 60% of the cost for a detective. The detective costs have not been charged to Fenton Township in the past.

Trustee Goupil, who is employed by the Genesee County Sheriff Department, asked to be allowed to abstain from voting due to a potential or perceived conflict of interest.

Motion to allow Trustee Goupil to abstain from voting on the Law Enforcement Services Agreement with the Genesee County Sheriff Department due to a potential or perceived conflict of interest.

Motion by: Goupil
Seconded: Krug
Ayes: Goupil
Nays: Krug, Tucker, Brown, Hill, Kesler
Absent: Mathis

Motion failed. Trustee Goupil may not abstain from voting on this issue.

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Motion to approve the 2009-10 Law Enforcement Services Agreement with the Genesee County Sheriff Department as presented, and to authorize the Township Supervisor and Township Clerk to execute said agreement on behalf of Fenton Township.

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

Motion carried.

Proposed Amendments to 2009 Fenton Township Budget

Operations Manager Broecker reviewed proposed 2009 budget amendments. There are numerous amendments proposed for the General Fund, although the net change is zero, resulting in a balanced budget. There are also minor amendments proposed for the Solid Waste Management, Mosquito Control and Sewer Funds. There are no proposed amendments for the Fire Fund.

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

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

Motion carried.

BOARD COMMENT:

None

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Ed Collins, 13056 Harbor Landings Drive

Mr. Collins thanked the Township for improving the volume of the microphones. It was much easier to hear the meeting this evening. He also asked about the CDBG funds loaned to the City of Burton last year. Operations Manager Broecker explained that those funds would be repaid to Fenton Township when the 2010 CDBG allocations are approved. Mr. Collins also expressed concern regarding the practice of throwing candy to the spectators during the Lake Fenton Homecoming parade. He is concerned that this could lead to accidents or injuries.

ADJOURN: Meeting adjourned at 9:35 p.m.

Robert Krug, Chairman Pro-Tem

Thomas Broecker, Deputy Clerk

Minutes Posted 10/6/09