

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF FEBRUARY 1, 2010**

**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, Hill, Operations Manager Broecker
and Attorney Cooley

Absent: Kesler

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 2/1/10 Fenton Township Board Meeting agenda as presented.

Motion by: Brown

Seconded: Krug

Ayes: All Present

Nays: None

Absent: Kesler

Motion carried. The agenda is approved.

PRESENTATIONS:

Ralph Coaster, Lake Fenton Community Schools Superintendent

Mr. Coaster announced that a renewal of the school district's sinking fund millage will be on the 5/4/10 ballot. The proposal seeks a 10-year renewal of a 1-mill levy to be used for facilities and capital improvements. The existing 10-year millage has generated approximately \$500,000 per year that has been used to expand and upgrade the school buildings and facilities. He emphasized that the revenues generated by the sinking fund millage can only be used for capital improvements and cannot be used for operating expenses. A renewal of the millage would allow the school district to continue upgrading and improving facilities, including expansion. Unlike many school districts, Lake Fenton is continuing to grow in terms of student population. Mr. Coaster thanked the board for the opportunity to address the public. The board thanked Mr. Coaster for his very informative presentation.

Christmas in Action

Supervisor Mathis introduced Jacquie Ochs, Treasurer, and Kelly Williams, President of the Genesee County Chapter of Christmas in Action (CiA). Ms. Ochs and Ms. Williams explained that CiA is a local non-profit organization that provides free home repairs for low-income and handicapped senior citizens. Since founded in 2007, 10 homes have been improved under their program. April 24th is this year's "work day". CiA is seeking donations (monetary and materials) and workers. Interested individuals can visit their website at www.tricountycia.org.

State Senator John Gleason

Senator Gleason thanked the board for the opportunity to address the public. He also introduced Berton Brown, the newest member of his staff. Senator Gleason reminded the audience that 2010 is a census year and it is vitally important for residents to complete and return the census survey. Revenue sharing and other funding mechanisms are based on population so it is essential that everyone is counted in the census.

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MEETING MINUTES:

The minutes for the 1/18/10 regular meeting stand approved as presented.

EXPENDITURES:

Treasurer Tucker questioned the invoice for the Genesee County Treasurer. Operations Manager Broecker confirmed that only \$79.00 of the \$71,511.81 total was for dog licenses. The remainder of the amount was for December patrol services. Motion to approve invoices and expenditures for all funds totaling \$585,612.60 for payment as presented.

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

Motion carried.

Treasurer Tucker also emphasized that, while the total expenditures of over \$500,000 seems high, three invoices, (sewer bond payment for \$228,000+, County sewer treatment charges for \$162,000+ and the Sheriff patrol services for \$71,000+), make up most of that total.

PUBLIC HEARINGS:

Lakeside Acres Street Lighting Special Assessment District/2nd Hearing

Supervisor Mathis opened a public hearing for a proposed special assessment district for street lights in the Lakeside Acres subdivision. The cost of the project is approximately \$2,025.00 per year. Regarding issues raised at the first hearing, Operations Manager Broecker reported that additional petition signatures have been submitted. The total land area represented on the petitions now totals approximately 80%, with owners of 20 of the 33 lots not owned by the developer having signed the petition. Also regarding questions that arose at the first hearing, Operations Manager Broecker reported that the Lakeside Acres site plan approval did not address street lights, and that Consumers Energy is not currently offering LED lighting for street lights.

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:

Nadine Wilson, 13513 Patrick Drive

Ms. Wilson, who circulated many of the special assessment petitions, stated that she supports the street lighting project and urged the board to approve.

Scott Messler, 13520 Patrick Drive

Mr. Messler stated that it was always his understanding that street lights would eventually be installed and he supports the project for safety reasons.

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

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RESOLUTION NO. 2010-06

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 improvement project proposed to be initiated within the Lakeside Acres Street Lighting 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, 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 the Fenton Township Special Assessment Roll No. 2010-1 and shall hereby be confirmed as the assessment roll for the Lakeside Acres Street Lighting Special Assessment District.

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2010-1 shall be paid in annual installments with the first installment to be due and payable on July 1, 2010, the second installment to be due and payable on December 1, 2010 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.

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.

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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. 2010-06 as presented.

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

Motion carried. Resolution declared adopted.

Crane Road Improvement Special Assessment District/1st Hearing

Supervisor Mathis opened a public hearing for a proposed special assessment district to resurface Crane Road and parts of Lake Shore Drive. The estimated cost of the project is approximately \$106,000.00.

The board will accept public comment regarding the following:

1. The creation of the special assessment district
2. The proposed boundaries of the district
3. The necessity of the improvement
4. The plans for the improvement
5. The cost estimates for the improvement

Public Comment:

The following individuals commented on the proposed special assessment district:

Kerry Petrella, 2437 Crane Road
Bob Simpson, 13147 Lake Shore Drive
Ray Dillard, 13331 Crane Ridge Drive
Ed Huot, 13177 Lake Shore Drive
Mark Sasek, 13225 Lake Shore Drive
Susan Hauer, 13341 Crane Ridge Drive
Mike Martel, 13190 Lake Shore Drive
George Dyball, 2462 Crane Wood Drive
Gordon Lewis, 13314 Crane Ridge Drive
Gail Blades, 13216 Lake Shore Drive
Glen Derr, 2304 Crane Road
Neena Derr, 2304 Crane Road
Chuck Siglow, 2429 Crane Road
Theresa Skaggs, 13473 Lake Shore Drive
Richard Tabor, 13396 Lake Shore Drive
Joanne Kipp, 13337 Lake Shore Drive

Concerns/issues raised included:

- Apportionment of Cost; properties that do not front Crane Road, but must use it to get to their property, should pay the same as the properties on Crane Road.
- Assessments based on road frontage versus the pro rata or "equal shares" method.
- The informational meeting held in August 2009 included two re-paving options. Why was the lower cost option chosen?

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- The culvert under Crane Road needs to be replaced.
- Owners of “non-frontage” lots were not given the opportunity to sign a petition.
- The amount of improvement proposed for Lake Shore Drive north of Crane road versus south of Crane Road.
- The Township is looking to pay for the repaving of Jennings Road. Why can't the Township also pay for Crane Road?
- Criteria for properties not being assessed.
- The issue of what constitutes maintenance versus improvement.
- Lake Shore Drive should be improved in the same manner as Crane, rather than repairing only certain areas, possibly with a separate special assessment district.
- The Crane Road petition was circulated by a resident of Lake Shore Drive not Crane Road.
- The development that has occurred in the area over the past several years has contributed to the condition of the road. The developers should pay some of the improvement costs.

Responses to some of the issues raised:

It was explained that the special assessment statute allows any property that benefits from the proposed improvement (including “non-frontage” properties) to be assessed, although the Township has received legal advice that assessing all properties the same amount would not be considered equitable and would likely not withstand a legal challenge. That is the basis for the proposed assessment of “non-frontage” properties at 25% of the “full share” assessment. The statute also states that the petition can only be signed by property owners that front the proposed improvement, (although anyone can circulate such a petition). There is no legal basis for “non-frontage” properties to be included in the petition process. This public hearing provides those property owners the opportunity to provide input on the proposed project before any decisions are made. There are several properties within the proposed district that are projected to not be assessed due to their low value (unusable or swamp land).

The proposed special assessment uses a pro rata or “equal shares” approach. Other assessment methods, such as road frontage or base lot, could also be utilized. It has been Fenton Township's experience that pro rata assessments are the most equitable approach.

The estimated cost for proposed re-paving of Crane road is \$80,000.00, (7-10 year life). The cost estimate for a full reconstruction is \$368,000.00 (20 year life). Even if the lower cost repaving had to be repeated 2 more times within 20 years it would still be less expensive than the full reconstruction.

Charging a developer costs for improving a road as a condition of approval constitutes an “impact fee” which is not legal in Michigan.

Crane Road, a residential street, is not the same category of road as Jennings Road, which is classified as a section line or local road. The Township is responsible for funding improvements to local roads. Property owners are responsible for the cost of improving residential streets.

The culvert under Crane Road will be replaced before the paving project begins.

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More information will be obtained relative to the proposed improvements for Lake Shore Drive, including a cost estimate for repaving the entire road.

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

RESOLUTION NO. 2010-07

WHEREAS, the Fenton Township Board has received petitions signed by more than 50% of the total road frontage of Crane Road, and accordingly, determined to proceed under the provisions of 1954 PA 188, as amended, to secure preliminary plans and estimates of cost together with a proposed Special Assessment District for assessing the costs of the proposed road improvement project to schedule a public hearing upon the same for this date, and

WHEREAS, the preliminary plans, estimates of cost and proposed Special Assessment District were filed with the Township Clerk for public examination and notice of the hearing upon same was published and mailed in accordance with law and statute provided as shown by affidavits pertaining thereto on file with the Township Clerk, and

WHEREAS, an estimate of the cost of the project in the approximate amount of \$105,000.00, (not including administrative or financing costs), has been prepared and presented to this board, and

WHEREAS, in accordance with the aforesaid notices, a hearing was scheduled this 1st day of February 2010 commencing at 7:30 p.m. and all persons given the opportunity to be heard in the matter, and

WHEREAS, as a result of the foregoing, the Township Board believes the project to be in the best interests of the Township and of the district proposed to be established therefor;

THEREFORE BE IT RESOLVED, that the Fenton Township Board does hereby determine that the petitions for the Crane Road Improvement Special Assessment District were properly signed by the record owners of land whose road frontage constitutes more than 50% of the total road frontage upon the initially proposed improvement, and

BE IT FURTHER RESOLVED, that the Fenton Township Board hereby expands the scope of the proposed project to include pavement repairs on Lake Shore Drive and does hereby approve the preliminary plans for the repaving of Crane Road and pavement repairs on Lake Shore Drive as prepared and presented, and the estimate of the cost of the project in the amount of \$105,000.00 plus administrative and financing costs, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby create, determine and define as a Special Assessment District to be known as the Crane Road/Lake Shore Drive Road Improvement Special Assessment District, within which the costs of such improvements shall be assessed, the following described area within said township:

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All properties with frontage on the following streets: Crane Road, Crane Ridge Drive, Crane Ridge Court, Crane Wood Drive, Lake Shore Drive, Golden Pond Court and Swans Cove.

BE IT FURTHER RESOLVED, that on the basis of the foregoing, the Fenton Township Board does hereby direct the Supervisor and assessing officer to make a special assessment roll in which shall be entered and described all the parcels of land to be assessed with the names of the respective owners thereof if known, and a total amount to be assessed against each parcel of land in the Special Assessment District. When the same has been completed, the Supervisor and assessing officer shall affix thereto her certificate stating that it was made pursuant to this Resolution and that in making such assessment roll, she has, according to her best judgment, conformed in all respects to the directions contained in this Resolution and the applicable state statutes.

Motion to adopt Resolution No. 2010-07 as presented.

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

Motion carried. Resolution declared adopted.

Supervisor Mathis stated that, in anticipation of the adoption of the previous resolution, a special assessment roll has been created, certified and placed on file with the Township Clerk. Clerk Krug presented the following resolution:

RESOLUTION NO. 2010-08

WHEREAS, the Supervisor and assessing officer of Fenton Township has, in accordance with the Resolution of the Fenton Township Board and the laws and statutes pertinent thereto, prepared a special assessment roll in the total amount of \$105,462.00 covering all parcels of land in the Crane Road/Lake Shore Drive Road Improvement Special Assessment District, and has affixed thereto her Certificate as required by said Resolution;

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 March 1, 2010 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 Crane Road/Lake Shore Drive Road Improvement Special

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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. 2010-08 as presented.

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

Motion carried. Resolution declared adopted.

REPORTS:

Quarterly Investment Report

Treasurer Tucker briefly reviewed the 4th quarter report Investment Report. The rate of return remains very low, however all accounts are now fully insured through the FDIC.

Ice Fishing Contest

Supervisor Mathis reported that a 34½" northern pike was recently caught on Lake Fenton during a fishing contest sponsored by the Loyal Order of Moose.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

Schedule Workshop Meeting – 2/8/10

Supervisor Mathis stated that she would like to schedule a workshop meeting for 2/8/10. A proposed medical marijuana ordinance and amendments to the Dangerous Buildings Ordinance are among the agenda items for this workshop. After a brief discussion, the board agreed to schedule the meeting for Monday 2/8/10 at 7:30 p.m.

NEW BUSINESS:

2010 Board of Review Hardship Policy

Supervisor Mathis reviewed the proposed 2010 Property Tax Hardship Exemption Policy. This policy is the same as the one adopted in 2009, except for updated information regarding meeting dates and deadlines. Board adoption of the policy is required before the Board of Review meets next month. There was no further discussion.

Motion to adopt the 2010 Fenton Township Property Tax Financial Hardship Exemption Policy as presented.

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

Motion carried.

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BOARD COMMENT:

Clerk Krug reported that Fenton Township resident Ray Dillard appears in an article about elongated coins in the most recent issue of National Geographic magazine. The board congratulated Mr. Dillard on his "celebrity status".

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

None

ADJOURN: Meeting adjourned at 9:50 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 2/2/10