

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF APRIL 19, 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, Brown, Goupil, Hill, Kesler, Attorney Cooley and Operations  
Manager Broecker

Absent: Tucker

**PLEDGE OF ALLEGIANCE:**

Supervisor Mathis led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Motion to approve the 4/19/10 Fenton Township Board Meeting agenda as presented.

Motion by: Goupil

Seconded: Krug

Ayes: All Present

Nays: None

Absent: Tucker

Motion carried. The agenda is approved.

**MEETING MINUTES:**

The minutes for the 3/29/10 regular meeting stand approved as presented.

**EXPENDITURES:**

Motion to approve invoices and expenditures for all funds totaling \$463,436.29 for payment as presented.

Motion by: Krug

Seconded: Brown

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

Nays: None

Absent: Tucker

Motion carried.

**PUBLIC HEARINGS:**

None

**REPORTS:**

**Fire Department Quarterly Report**

Battalion Chief Ryan Volz provided updates regarding fire department operations. For the first three months of 2010 the Fenton Township Fire Department responded to a total of 149 alarms, including 23 in Tyrone Township. Included in the total were 10 fires, 92 EMS, 6 hazardous conditions, 24 service calls, 15 good intent calls, 1 false alarm and one special circumstance.

Public Comment:

Ed Collins, 13056 Harbor Landings Drive

Mr. Collins stated that he heard that there was an alarm where there were no certified vehicle drivers available at Station 1 to respond and asked how that could happen. Battalion Chief Volz stated that he was not familiar with the specific incident but would investigate. Mr. Collins also questioned a decision by the Fenton Township Fire

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF APRIL 19, 2010**

Department not to respond to a mutual aid request in the City of Flint. Battalion Chief Volz stated that such a decision would be based on the availability of qualified personnel.

**Ordinance Enforcement Quarterly Report**

Supervisor Mathis briefly reviewed the first quarter report from Ordinance Enforcement Officer Bob Atkinson.

**COMMUNICATIONS:**

**Community Shred Event – 5/8/10**

Supervisor Mathis reminded the board and the audience that the Township is sponsoring another free document shredding event on Saturday 5/8/10 at the Lake Fenton High School parking lot from 9:00 a.m. to 1:00 p.m. Fenton Township residents will have the opportunity to have personal and confidential documents shredded and recycled.

**ADOPTION OF ORDINANCES:**

**Proposed Amendment to Medical Marihuana Ordinance/1<sup>st</sup> Reading**

Supervisor Mathis reviewed a proposed amendment to the Township's recently adopted Medical Marihuana Ordinance, which was discussed at this evening's workshop session. The amendment addresses several issues of concern raised by the public and by Township officials. There was no public comment. The second reading of the proposed ordinance will be conducted at the 5/3/10 meeting.

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

**Resolution No. 2010-11, Proposed Revision to Pinewood Trail Road Maintenance  
Special Assessment District**

Operations Manager Broecker reviewed information regarding an existing private road maintenance special assessment for Pinewood Trail. The Silver Lake Farms condominium development did not exist when the SAD was created in 1984. Therefore, when the development was created, only those condo units with frontage on Pinewood Trail were added to the special assessment district. The Township has received a request to re-evaluate and re-establish the district boundaries to include all units in the Silver Lake Farms development. A public hearing is required before formal action can be taken to revise the district boundaries. A resolution has been prepared to schedule such a public hearing. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2010-11**

*WHEREAS, the Fenton Township Board has received a written request from a record owner of property fronting on the private street known as Pinewood Trail to re-evaluate and redetermine the district boundaries and the amount of assessment in an existing private road maintenance special assessment district, and*

*WHEREAS, the Fenton Township Board believes it to be in the best interests of the record owners of properties that utilize Pinewood Trail for ingress and egress purposes to re-evaluate and re-establish the boundaries and costs of said special assessment district;*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF APRIL 19, 2010**

*NOW, THEREFORE, BE IT RESOLVED, that the Fenton Township Board does hereby tentatively declare its intent re-establish the boundaries and costs of the Pinewood Trail Road Maintenance Special Assessment District, and*

*BE IT FURTHER RESOLVED, that the Fenton Township Board will hold a public hearing on the special assessment district at its regular meeting to be held on Monday May 3, 2010 at the Fenton Township Civic Community Center, beginning at 7:30 p.m.*

Motion to adopt Resolution No. 2010-11 as presented.

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

Motion carried. Resolution declared adopted.

**Resolution No. 2010-12, Notice of Intent to Issue Capital Improvement Bonds**

Supervisor Mathis stated that, as discussed at the workshop, the Township is planning to issue bonds to finance road improvement projects; Specifically Jennings Road between Lahring & Thompson, and Ripley Road between Rolston and Lahring. The first step in the bond issuance is to adopt a resolution authorizing the publication of a notice of intent for the bond issue. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2010-12**

*WHEREAS, the Charter Township of Fenton, County of Genesee, State of Michigan (the "Township"), intends to issue and sell bonds, pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000) in one or more series, for the purpose of paying the costs of road and parking lot improvements in the Township, including related sites, equipment, structures, attachments and appurtenances (the "Project"); and*

*WHEREAS, a notice of intent to issue bonds must be published in order to comply with the requirements of Section 517of Act 34, Public Acts of Michigan, 2001, as amended; and*

*WHEREAS, the Township intends, at this time to state its intention to be reimbursed from proceeds of the bonds for any expenditures undertaken by the Township for the Project prior to issuance of the bonds.*

*NOW, THEREFORE, BE IT RESOLVED THAT:*

- 1. The Township Clerk is authorized and directed to publish a notice of intent to issue bonds in the Tri-County Times a newspaper of general circulation in the Township.*
- 2. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF APRIL 19, 2010**

**NOTICE TO TAXPAYERS AND ELECTORS OF THE CHARTER TOWNSHIP OF  
FENTON  
OF INTENT TO ISSUE BONDS SECURED BY THE  
TAXINGPOWER OF THE TOWNSHIP AND RIGHT OF REFERENDUM THEREON**

PLEASE TAKE NOTICE that the Charter Township of Fenton, County of Genesee, State of Michigan, intends to issue and sell capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000), in one or more series, for the purpose of paying the costs of road and parking lot improvements in the Township, including related sites, equipment, structures, attachments and appurtenances.

**BOND DETAILS**

Said bonds will mature in annual installments not to exceed twenty-five (25) in number, with interest rates to be determined at a public or negotiated sale but in no event to exceed such rates as may be permitted by law on the unpaid balance from time to time remaining outstanding on said bonds. The bonds may be issued in one or more series as shall be determined by the Township Board.

**SOURCE OF PAYMENT OF BONDS**

THE PRINCIPAL OF AND INTEREST ON SAID BONDS shall be payable from the general funds of the Township lawfully available for such purposes including property taxes levied by the Township, subject to applicable constitutional and statutory limitations.

**RIGHT OF REFERENDUM**

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE TOWNSHIP IS FILED WITH THE TOWNSHIP CLERK, OR IN THE TOWNSHIP CLERK'S ABSENCE, THE TOWNSHIP SUPERVISOR, WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE TOWNSHIP VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 517, Act 34, Public Acts of Michigan, 2001, as amended.

ROBERT E. KRUG  
TOWNSHIP CLERK

CHARTER TOWNSHIP OF FENTON  
12060 MANTAWAUKA DRIVE  
FENTON MI 48430

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF APRIL 19, 2010**

3. *The Township Board has determined that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed was the method best calculated to give notice to the Township's taxpayers and electors of this Township's intent to issue the bonds, the purpose of the bonds, the security for the bonds and the right of referendum relating thereto, and the newspaper named for publication was determined to reach the largest number of persons to whom the notice is directed.*
4. *The Township makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:*
  - (a) *As of the date hereof, the Township reasonably expects to reimburse the Township for the expenditures described in (b) below with proceeds of debt to be incurred by the Township.*
  - (b) *The expenditures described in this paragraph (b) are for the costs of acquiring, constructing, installing, furnishing and equipping the Project which were or will be paid subsequent to sixty (60) days prior to the date hereof.*
  - (c) *The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$1,500,000.*
  - (d) *A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the Township's use of the proceeds of the debt to be issued for the Project to reimburse the Township for a capital expenditure made pursuant to this resolution.*
  - (e) *The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).*
  - (f) *No proceeds of the borrowing paid to the Township in reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.*
5. *All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.*

Motion to adopt Resolution No. 2010-12 as presented.

Motion by: Krug

Seconded: Brown

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

Nays: None

Absent: Tucker

Motion carried. Resolution declared adopted.

**GCRC Local Road Improvement Agreement – Jennings Road**

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF APRIL 19, 2010**

Supervisor Mathis reviewed a proposed agreement with the Genesee County Road Commission for the reconstruction of Jennings Road between Lahring and Thompson Roads, which was discussed at the workshop meeting. In order to complete the project this year, the contract must be in place by early May. There was no further discussion.

Motion to approve the Local Road Agreement for Jennings Road Rehabilitation with the Genesee County Road Commission as presented, and to authorize the Township Supervisor and Township Clerk to execute said agreement on behalf of the Charter Township of Fenton.

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

Motion carried.

**Proposed Amendment to 2010 Fenton Township Budget**

Operations Manager Broecker reviewed proposed amendments to the 2010 budget. The General Fund includes several minor revisions with a net impact of zero, thus maintaining a balanced budget for the year. Proposed amendments for the Solid Waste Management, Mosquito Control and Fire Protections funds are also relatively minor. Several categories in the Sewer Fund include significant amendments to reflect revised projections. There was no further discussion.

Motion to adopt amendments to the 2010 Fenton Township Budget as presented.

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

Motion carried.

**BOARD COMMENT:**

Clerk Krug reminded the board and audience of the upcoming election on 5/4/10. All three school districts have board of education seats up for election and Lake Fenton also has a sinking fund millage renewal proposal on the ballot. He urged everyone to get out and vote on May 4th.

Supervisor Mathis announced that the term of office for one seat on the Planning Commission will expire at the end of May. Any individuals interested in this appointed position should submit a resume to the Township.

Supervisor Mathis reported that the Genesee County Road Commission is utilizing billboards to encourage motorists to report potholes for repair.

Supervisor Mathis reported that 80% of Fenton Township residents have returned their Census surveys.

Trustee Brown suggested that the reconstruction project for Jennings Road be coordinated with the Lake Fenton School's transportation department since it will significantly impact traffic around Lake Fenton High School.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF APRIL 19, 2010**

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

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft questioned the high volume of items in the Ordinance Enforcement report. Supervisor Mathis clarified that the actual number of complaints for the first quarter was 43. The higher number includes phone calls, letters, sign removal, etc.

Mr. Hawcroft also asked about the status of the Tee Bonz special use permit for outdoor music. Supervisor Mathis stated that the Planning Commission is still working on the conditions of the special use permit. The members will be meeting at Tee Bonz prior to next month's meeting to review the situation in person before final decisions are made.

**ADJOURN:** Meeting adjourned at 8:00 p.m.

---

Bonnie Mathis, Supervisor

---

Robert Krug, Clerk

**Minutes Posted 4/20/10**