

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JUNE 7, 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, Kesler, Attorney Cooley and
Operations Manager Broecker

Absent: None

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Clerk Krug requested that the Planning Commission appointment be postponed until the 6/21/10 meeting. Treasurer Tucker supported the postponement. Motion to approve the 6/7/10 Fenton Township Board Meeting agenda as amended.

Motion by: Tucker

Seconded: Krug

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 5/17/10 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$263,557.18 for payment as presented.

Motion by: Tucker

Seconded: Goupil

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

**Crane Road/Lake Shore Drive Road Improvement Special Assessment
District/Hearing on Special Assessment Roll**

Supervisor Mathis opened a public hearing on the special assessment roll for the Crane Road/Lake Shore Drive Road Improvement Special Assessment District. The Township has been working with the Genesee County Road Commission and property owners to determine the best approach for improving Lake Shore Drive due to drainage concerns of some residents at the north end of Lake Shore. The most recent option considered included repaving Lake Shore Drive south of Crane Road only, with no improvement north of Crane. Since then, however, the Township has heard from several other "north" property owners that do want their part of the street resurfaced. The latest suggestion is to repave almost all of Lake Shore Drive, stopping short of the north end at a point to be agreed upon.

Public comment:

Ed Huot, 13177 Lake Shore Drive

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Mr. Huot supports paving all of Lake Shore Drive. He circulated an informal petition amongst the owners of property on the north end of Lake Shore Drive and over 80% of those he was able to contact are in favor of paving their section of street. Mr. Huot's property is in a low area and he also has drainage problems but he is still in favor of resurfacing.

Ray Dillard, 13331 Crane Ridge Drive

Mr. Dillard expressed concern that the proposed project would not last and suggested that the road should be torn up and rebuilt. Supervisor Mathis clarified that a full reconstruction was one of the options presented to the property owners, however the lower cost resurfacing option was chosen.

Mike Anderson, 13323 Lake Shore Drive

Mr. Anderson expressed concern regarding drainage issues on the south side of Lake Shore Drive.

Joe Steller, 13215 Torrey Road

Mr. Steller stated that his address is on Torrey and questioned why his property is included in the special assessment district. Supervisor Mathis clarified that any property that abuts the road is considered to have frontage, (even if it is a side or rear lot line), and therefore benefit from the project. Mr. Steller also questioned why some property owners are paying less than others. Operations Manager Broecker explained that properties that do not front the streets being paved do indeed benefit from the improvement. Based on legal opinions from the Michigan Township Association, however, these non-frontage properties should be assessed less than those that front the subject streets.

Bill Lennox, 2470 Crane Road

Mr. Lennox stated that the shoulders on the road are too high, which keeps water on the road. He would like the road to be built properly to maintain adequate drainage.

Greg Hoover, 13470 Lake Shore Drive

Mr. Hoover stated that he would rather see the road fixed right – tear up the existing road and completely reconstruct it. Operations Manager Broecker clarified that total reconstruction was one of the options presented to property owners, but it was ultimately rejected due to cost. At \$368,000, the cost of reconstruction is nearly five times greater than the resurfacing method. If the resurfacing lasts the 7-10 years estimated by the Road Commission, it will be more cost effective that a full reconstruction that lasts 20 years.

Josh DeShaw, 2501 Crane Road

Mr. DeShaw stated that he is the second house off Torrey Road and feels that he shouldn't have to pay as much as someone living at the far end of Crane Road. Operations Manager Broecker explained that there are a number of cost assessment methods that can be utilized, (frontage, base lot, etc.). The Township has selected the pro-rata (equal shares) method because it has found it to be the most equitable.

Wayne Simons, 13175 Lake Shore Drive

Mr. Simons supports the repaving but also wants the drainage issues addressed.

Virginia Krupa, 13427 Lake Shore Drive

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Ms. Krupa stated that she is located at the corner of Crane and Lake Shore and asked how her property would be assessed. Clerk Krug confirmed that her property would be assessed the same as other Lake Shore Drive properties.

John Scheer, 13154 Lake Shore Drive

Mr. Scheer stated that he supports the paving of all of Lake Shore Drive, but also wants the drainage problems fixed.

Richard Throop, 13456 Lake Shore Drive

Mr. Throop stated that this process has gone on for many months and urged the board to move the project forward.

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

RESOLUTION NO. 2010-18

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 road improvement project proposed to be initiated within the Crane Road/Lake Shore Drive Road 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, if any, was made a part of the minutes of the hearing, and

AND WHEREAS, changes in the scope of work in the special assessment project indicated the reasonableness of the following amendments to said assessment roll:

The revised assessment per share for the Crane Road portion of the construction is \$978.23. The revised assessment per share for the Lake Shore Drive portion of the construction is \$735.76.

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 revised, 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. 2010-2, and shall hereby be confirmed

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as the assessment roll for the Crane Road/Lake Shore Drive Road Improvement Special Assessment District.

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Crane Road/Lake Shore Drive Road Improvement Special Assessment Roll shall be divided into five (5) equal annual installments of principal with the first installment to be due on or before December 1, 2010 and the following installments to be due on or before the first day of December for the years 2011 through 2014, inclusive. All unpaid installments prior to their transfer to the tax roll as provided by Michigan Public Act 188 of 1954, as amended, shall bear interest payable annually on each installment due date at a rate equal to five percent (5%).

BE IT FURTHER RESOLVED, that future due installments of an assessment against any parcel of land may be paid to the Fenton Township Treasurer at any time in full with interest accrued through the month in which the final installment is paid in accordance with Michigan Public Act 188 of 1954, as amended. 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, also in accordance with said Act 188.

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. 2010-18 as presented

Motion by: Krug

Seconded: Brown

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

Nays: None

Motion carried. Resolution declared adopted.

The meeting was recessed at 8:20 p.m.

The meeting was reconvened at 8:25 p.m.

Pinewood Trail Road Improvement Special Assessment District/Hearing on Proposed Boundary Changes

Supervisor Mathis opened a public hearing on the proposed redetermination of district boundaries for the Pinewood Trail Road Maintenance Special Assessment District. When the district was established in the mid-1980's, the Silver Lake Farms condominium

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development did not yet exist. Therefore, when the development was created, the 8 units with frontage on Pinewood Trail were added to the special assessment district. The Township has received a request to add the other 7 units to the assessment district. At the previous hearing it was suggested that the district could also be expanded to include the maintenance of Lake Farms Court. The board reviewed a letter from Derek Day, the president of the Silver Lake Farms Condo Association. The letter indicates that all affected property owners were given the opportunity to vote on the various options related to this special assessment. 20 of the 28 properties responded to the survey. Based on the survey results, the majority of property owners prefer the following approach:

- Pinewood Trail and Lake Farms Court will be combined for maintenance purposes and both will be funded from the existing special assessment.
- \$600 would be taken from the existing special assessment fund to help pay for the amount owing from 2009 road repairs. The remainder would be paid directly by property owners.
- The new annual assessment amount would be \$100 per parcel, with all parcels paying the same amount.

Public comment:

Donn Ellis, 15225 Pinewood Trail

Mr. Ellis asked several questions regarding the proposed changes to the special assessment district. Operations Manager Broecker confirmed that, as now proposed, the two streets would be combined under a single special assessment district with all property owners paying \$100 per year.

Lee Churchill, 15145 Pinewood Trail

Mr. Churchill asked for clarification regarding the remaining debt from the 2009 road repairs. Operations Manager Broecker confirmed that \$600 of the existing account balance can be allocated toward this cost. The remainder will apparently be paid privately by property owners.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2010-13

WHEREAS, pursuant to the request of property owners within the Pinewood Trail Road Maintenance Special Assessment District, the Fenton Township Board has determined it to be in the best interests of the district to re-evaluate the boundaries of said district for the purpose of determining if additional properties should be included in the special assessment district, and

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

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WHEREAS, as a result of the foregoing, the Township Board believes it to be in the best interests of the Township and of the district to redetermine the boundaries of said district and to expand the scope of the maintenance to include Lake Farms Court;

THEREFORE BE IT RESOLVED, that the Fenton Township Board does hereby expand the scope of the maintenance work to be performed under this special assessment district to include Pinewood Trail and Lake Farms Court, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby revise the boundaries of the Pinewood Trail Road Maintenance Special Assessment District, within which the costs of such maintenance shall be assessed, the following described area within said township:

***All properties abutting Pinewood Trail
Units 1-15 of the Silver Lake Farms Condominium Development***

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. 2010-13 as presented.

Motion by: Krug

Seconded: Brown

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

Nays: None

Motion carried. Resolution declared adopted.

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

RESOLUTION NO. 2010-14

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 \$2,900.00 per year covering all parcels of land in the Pinewood Trail Road Maintenance 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

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BE IT FURTHER RESOLVED, that the Fenton Township Board shall meet at 7:30 p.m. on June 21, 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 Pinewood Trail Road Maintenance 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. 2010-14 as presented.

Motion by: Krug

Seconded: Brown

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

Nays: None

Motion carried. Resolution declared adopted.

REPORTS:

Election Commission Meeting – 6/21/10

Clerk Krug announced that the Election Commission will meet at 7:00 p.m. on Monday 6/21/10 (prior to the regular meeting) to appoint inspectors for the 8/3/10 Primary Election.

Fenton Road Widening Project

Supervisor Mathis reported that the Genesee County Road Commission will hold a public hearing on the plans for the widening of Fenton Road from Butcher Road to the Fenton city limits. The hearing will not be scheduled until after 10/1/10.

Traffic Accident/Missing Dog

Supervisor Mathis reported that a traffic accident at Fenton Road and Moffett Drive resulted in a dog that was in the vehicle running away. If anyone sees a gray pit bull (name is "Buddy") please report it to the police.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Proposed Zoning Ordinance Amendment – Definitions/2nd Reading

Supervisor Mathis reviewed a proposed amendment to the Zoning Ordinance to revise the definition for *Contractor establishment (with outdoor storage)*, which was introduced at the 5/17/10 meeting. Treasurer Tucker again noted that this is simply a minor error correction to remove landscaping contractor from the examples because it is already listed in the examples under another use. There was no further discussion.

Motion to adopt Ordinance No. 723, an amendment to Article 2 of Zoning Ordinance No. 594, as presented.

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

Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Approval of Road Improvement Projects – Crane Road & Lake Shore Drive

Operations Manager Broecker reviewed cost proposals from the Genesee County Road Commission for resurfacing Crane Road and Lake Shore Drive. These proposals are the basis for the special assessment roll confirmed earlier this evening.

Motion to approve road improvement agreements with the Genesee County Road Commission for Crane Road and Lake Shore Drive as presented.

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

Motion carried.

Private Road Improvements – Four Lakes

Operations Manager Broecker reviewed cost proposals from the Genesee County Road Commission for improvements to Four Lakes Avenue and several connected streets. These improvements have been approved by the Squanemah Shores Association, however the Road Commission requires the Township Board to also approve them. These improvements will be funded by the existing private road special assessment district with no cost to the Township.

Motion to approve agreements with the Genesee County Road Commission for private road improvements for Four Lakes Avenue and connecting streets as presented.

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

Motion carried.

BOARD COMMENT:

None

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Ed Collins, 13056 Harbor Landings Drive

Mr. Collins asked if the Township was still contributing CDBG funds to the Loose Senior Citizen Center. Supervisor Mathis confirmed that the Township had withdrawn from the LSCC Interlocal Agreement and is no longer allocating CDBG funds to the center. The Township could, however, still choose to allocate funds to the center in future years.

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Mr. Collins also asked if the Township has been successful in securing any grant funds. Supervisor Mathis stated that one of the Township's employees is being trained in grant writing and we hope to be able to take advantage of various grant programs.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked if there was any update on the incident that resulted in the foul odor and water discoloration on Lake Ponemah. Supervisor Mathis stated that the DNR-E had ruled out several possible causes but was unable to determine the actual cause. Mr. Hawcroft also renewed his concern regarding the City of Fenton's practice of harvesting weeds in the millpond, which float downstream and increase the weed problem in Lake Ponemah.

ADJOURN: Meeting adjourned at 8:50 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 6/8/10