

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF SEPTEMBER 19, 2011**

**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, Attorney Cooley and Operations
Manager Broecker

Absent: Kesler

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 9/19/11 Fenton Township Board Meeting agenda as presented.

Motion by: Brown

Seconded: Tucker

Ayes: All Present

Nays: None

Absent: Kesler

Motion carried. The agenda is approved.

PRESENTATION:

John Daly - Genesee County Road Commission

Supervisor Mathis introduced Bob Slattery, the Director of Information Systems and Planning for the Genesee County Road Commission (GCRC). Mr. Slattery stated that he is taking the place of Director John Daly, who was unable to attend this evening. Mr. Slattery briefly discussed the 50/50 funding program, as well as the reinstatement of the 60/40 funding program for local roads. More information on these programs will be provided to Supervisor Mathis at the 9/20/11 GCRC Roads & Bridges Advisory Committee meeting. Mr. Slattery also reported that a 3-year local road improvement plan is being developed for all townships. He will be meeting with representatives from the various townships over the next few months to move this program forward. Finally, Mr. Slattery announced that the GCRC will no longer maintain private roads under contract with townships, effective 10/1/12. The board thanked Mr. Slattery for his report.

MEETING MINUTES:

The minutes for the 8/29/11 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$704,520.41 for payment as presented.

Motion by: Tucker

Seconded: Brown

Ayes: Mathis, Krug, Tucker, Brown, Goupil

Nays: None

Absent: Kesler

Motion carried.

PUBLIC HEARINGS:

**Pine Lake Improvement Special Assessment District - Hearing on New Special
Assessment Roll**

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Supervisor Mathis opened a public hearing on the special assessment roll for a 5-year renewal of the Pine Lake Improvement Special Assessment. The assessment per parcel will be \$138.30 in the first year and \$76.00 per year for 2012-2015. It was noted that the total assessment for the previous 5-year period was very comparable, with a difference of approximately \$5.00 per parcel. 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.

Public comment:

Ross D'Antoni, 15451 Whitaker Road

Mr. D'Antoni stated that the weeds near his property are still very bad.

Pat Lozano, 4459 Harp Drive

Ms. Lozano stated that residents having weed problems have the option of requesting additional treatment through the lake association. She will provide this info to Mr. D'Antoni for future reference. She also emphasized that the treatment is designed to eliminate the invasive, non-native plants, not the native plants like lily pads.

Mike Smith, 15495 Whitaker Road

Mr. Smith noted that the area of Pine Lake in which Mr. D'Antoni lives, did receive extra treatment this year. This part of the lake is very shallow and weeds are always a problem.

Jackie Hougen, 5036 Island View Drive

Ms. Hougen stated that she is opposed to putting chemicals in the lake.

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

RESOLUTION NO. 2011-11

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 Pine 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;

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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. 2011-1 and shall hereby be confirmed as the assessment roll for the Pine Lake Improvement Special Assessment District.

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2011-1 shall be divided into five annual installments with the first installment due on or before December 1, 2011 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 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. 2011-11 as presented.

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

Motion carried. Resolution declared adopted.

Loon Lake Improvement Special Assessment District - Hearing on New Special Assessment Roll

Supervisor Mathis opened a public hearing on the special assessment roll for a 3-year renewal of the Loon Lake Improvement Special Assessment. The assessment per parcel will be \$257.75 in the first year and \$254.17 per year for 2012 and 2013. It was noted that the total assessment for the previous 3-year period was very comparable, with a difference of less than \$2.00 per parcel. The public may comment on the following:

1. An individual's assessment in relation to benefit received.
2. The total cost of the project.

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3. The validity of the proceedings to date.

Public comment:

Mike Hoedeman, 4254 Neal Court

Mr. Hoedeman stated that his property (lot 20 of the Lakeside Acres subdivision) does not front Loon Lake and he should not be included in the special assessment district. It was noted that lots 19-27 of Lakeside Acres have deeded access to Pamela Park, which does front the lake. Pamela Park is a conservation wetland area so structures cannot be built on it, however the residents of lots 19-27 have access to the lake and can even construct docks, provided they don't touch the wetland area. Mr. Hoedeman provided a copy of one of several DEQ signs that are posted in Pamela Park regarding the wetland conservation easement. The Township will research this issue further.

Mike Vincent, 13227 Harborview Drive

Mr. Vincent asked if the residents have the option of doing more treatments than are outlined in the proposal. Treasurer Tucker cautioned that all weed treatment are subject to the limits of the permit issued for the treatment. Additional treatments would likely violate the DEQ permit. Mr. Vincent asked if there are any other companies that provide weed control services for lakes. Operations Manager Broecker stated that he knows of one other company in the Holly area that provides this type of service. He also clarified that the lake associations make the decision on which contractor to utilize for the lake treatments. The Township simply acts as a funding conduit.

Rick Lutgens, 4289 Cahokia Ridge

Mr. Lutgens confirmed that, at a meeting of the lake association, Aquatic Nuisance & Plant Control was selected as the contractor for Loon Lake. The association meeting was not heavily attended (16 residents) but all in attendance were in favor of contracting with Aquatic Nuisance.

There was no further comment. Clerk Krug made a motion, seconded by Trustee Brown, to adopt a resolution confirming the special assessment roll. After a brief discussion the board agreed to delay action on the roll until Mr. Hoedeman's issue can be researched. The motion and second were withdrawn. The resolution to confirm the special assessment roll will be placed on the 10/3/11 agenda.

**Fenton Township Fire Protection Special Assessment District / Hearing on 2011
Special Assessment Roll**

Supervisor Mathis opened the public hearing on the 2011 Fenton Township Fire Protection Special Assessment Roll. The annual assessment remains unchanged at \$65.00 per parcel. There was no public comment. Clerk Krug presented the following resolution:

RESOLUTION NO. 2011-13

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 raising money by special assessment for furnishing fire protection and purchasing and housing equipment, and for the operation of same, and

WHEREAS, such public hearing was preceded by a notice published in a newspaper of general circulation in the Township, and

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

WHEREAS, all present at said public hearing were given the opportunity to be heard in the matter, 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 presented, 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. 2011-3 and shall hereby be confirmed as the 2011 assessment roll for the Fenton Township Fire Protection Special Assessment District, and

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2011-3 shall be due and payable on December 1, 2011, and

BE IT FURTHER RESOLVED, if any special assessment is not paid when due, then the special assessment 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, 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. 2011-13 as presented.

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

Motion carried. Resolution declared adopted.

REPORTS:

Flag Retirement Ceremony - October 3, 2011

Supervisor Mathis announced that Boy Scout Troop 219 will be conducting a formal flag retirement ceremony prior to our 10/3/11 Township Board meeting. The ceremony will be

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held in front of the Township Hall and will begin at 6:30 p.m. The public is invited to attend.

COMMUNICATIONS:

Household Hazardous Waste Collection Day – 10/8/11

Supervisor Mathis reviewed a flyer for the upcoming Household Hazardous Waste and Electronic Waste Collection Day. Carman-Ainsworth High School will be the closest of two locations that will accept household hazardous waste and electronic waste from 10:00 a.m. to 2:00 p.m. on Saturday 10/8/11.

ADOPTION OF ORDINANCES:

Proposed Zoning Ordinance Amendment – Public Utility Buildings & Uses/2nd Reading

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to revise provisions regarding public utility buildings and uses, which was introduced at the 8/29/11 meeting. Treasurer Tucker stated that the current ordinance language does not address the issue of outdoor storage. The proposed amendment designates the use, both with and without outdoor storage, as a permitted use or special use permit in the various zoning districts. There was no further discussion.

Motion to adopt Ordinance No. 739, an amendment to Zoning Ordinance No. 594 to revise provisions regarding public utility buildings and uses, as presented.

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

Motion carried. Ordinance declared adopted.

Proposed Amendment to Open Burning Regulation Ordinance/2nd Reading

Supervisor Mathis reviewed a proposed amendment to the Open Burning Regulation Ordinance, which was introduced at the 8/29/11 meeting. The proposed revisions are relatively minor and simply clarify the existing ordinance. There was no further discussion.

Motion to adopt an amendment to Open Burning Regulation Ordinance No. 530, as presented.

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

Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS:

Workshop Meeting - 9/26/11

Supervisor Mathis stated that she would like to schedule a workshop meeting sometime before the 10/3/11 regular meeting. Revisions to the fee schedule and two proposed

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ordinances are among the agenda items for the workshop. After a brief discussion the board agreed to schedule the workshop for Monday 9/26/11 at 7:30 p.m.

NEW BUSINESS:

Resolution No. 2011-14, Non-Profit Designation - Emily's Helping Hand Foundation

Supervisor Mathis reported that Emily's Helping Hand Foundation, a local charitable organization, has applied to the State Lottery Bureau for a gaming license in order to conduct fundraising activities. A resolution from the local unit of government supporting their request to be recognized as a charitable non-profit organization is a requirement for obtaining the gaming license. Such a resolution has been prepared. Clerk Krug presented the following resolution:

RESOLUTION NO. 2011-14

WHEREAS, the Emily's Helping Hand Foundation is a non-profit foundation established in 2011, and

WHEREAS, the purpose of Emily's Helping Hand Foundation is to receive and administer funds for promoting the health, safety and welfare of the general public by making grants to individuals and organizations of the community, and

WHEREAS, the Emily's Helping Hand Foundation wishes to obtain a charitable gaming license from the Michigan Bureau of State Lottery for the purpose of conducting fund raising activities, 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 **Emily's Helping Hand Foundation** of Fenton, County of Genesee, 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. 2011-14 as presented.

Motion by: Krug

Seconded: Brown

Ayes: Mathis, Krug, Tucker, Brown, Goupil

Nays: None

Absent: Kesler

Motion carried. Resolution declared adopted.

Resolution No. 2011-15, GCRC Permit for LFHS Homecoming Parade

Supervisor Mathis reported that Lake Fenton High School wishes to hold their annual Homecoming Parade along Torrey Road between North Long Lake Road and Lahring Road. The date of the parade is Friday 10/7/11. The Genesee County Road Commission requires the Township Board to authorize the appropriate application. A resolution has been prepared for that authorization. Clerk Krug presented the following resolution:

RESOLUTION NO. 2011-15

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WHEREAS, Lake Fenton High School wishes to make application to the Genesee County Board of Road Commissioners for a permit to hold a Homecoming Parade within the road right-of-way of Torrey Road, and

WHEREAS, approval of the local unit of government, by resolution, is required to obtain said permit;

NOW, THEREFORE, BE IT RESOLVED, that Lake Fenton High School is hereby authorized to make application to the Genesee County Road Commission on behalf of the Charter Township of Fenton in the county of Genesee, Michigan for the necessary permit(s) to:

Hold a Homecoming Parade on Friday October 7, 2011, between the hours of 4:00 p.m. and 6:00 p.m.

*within the right-of-way of **Torrey Road, between North Long Lake Road and Lahring Road**, as requested.*

Motion to adopt Resolution No. 2011-15 as presented.

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

Motion carried. Resolution declared adopted.

Resolution No. 2011-16, Accelerated Foreclosure on Abandoned Property

Supervisor Mathis reported that the Genesee County Treasurer has recommended that the local governmental units consider adopting a resolution to allow accelerated foreclosure on abandoned tax delinquent properties. If a property is truly abandoned, faster foreclosure proceedings will help get the property back on the active tax roll sooner. Treasurer Tucker stated that the resolution is necessary to use the accelerated foreclosure process, however the Township is not obligated to invoke accelerated foreclosure. Therefore there is no down side to adopting the resolution. Clerk Krug presented the following resolution:

RESOLUTION NO. 2011-16

WHEREAS, Township Board of the Charter Township of Fenton determines that parcels of abandoned tax delinquent property exist, and

WHEREAS, abandoned tax delinquent property has the potential to contribute to crime, blight and decay within the Charter Township of Fenton, and

WHEREAS, the certification of tax delinquent abandoned property as certified abandoned property will result in the accelerated forfeiture and foreclosure of certified abandoned property under the General Property Tax Act and return abandoned property to productive use more rapidly, thereby potentially reducing crime, blight and decay within the Township.

NOW, THEREFORE, BE IT RESOLVED, that the Charter Township of Fenton hereby notifies residents and owners of property within the Township that abandoned

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tax delinquent property will be identified and inspected, and may be certified as certified abandoned property under the Certification of Abandoned Property for Accelerated Forfeiture Act and subject to accelerated forfeiture and foreclosure under the General Property Tax Act.

Motion to adopt Resolution No. 2011-16 as presented.

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

Motion carried. Resolution declared adopted.

BOARD COMMENT:

Given some of the comments received regarding the lake improvement special assessments, Clerk Krug asked if the Township should consider not approving these special assessments in the future. Treasurer Tucker stated that the special assessment process is the only viable option for the lake property owners. Without it they would be left to collect the funds voluntarily and 100% participation would be difficult.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked if candidates for the open Trustee seat have been identified. Supervisor Mathis stated that the Township has received three applications so far. It is anticipated that the board will make the appointment at the 10/3/11 meeting. Mr. Hawcroft also reiterated his previous concerns regarding the City of Fenton's decision to harvest weeds in the millpond, which ultimately float downstream into Lake Ponemah, making their weed problem worse.

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

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 9/20/11