

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MAY 7, 2012**

**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, Kesler, Lorraine, Attorney Cooley
and Operations Manager Broecker

Absent: None

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 5/7/12 Fenton Township Board Meeting agenda as presented.

Motion by: Brown

Seconded: Tucker

Ayes: All

Nays: None

Motion carried. The agenda is approved.

PRESENTATION:

Dennis Maxheimer – Genesee County Mass Transportation Authority

Supervisor Mathis introduced Dennis Maxheimer from the Genesee County Mass Transportation Authority (MTA). Mr. Maxheimer updated the board on current issues at MTA, including the “Your Ride” program that transports over 20,000 people per week. He reported that 60 new propane powered vehicles will be put into service this year. He noted that a renewal of the MTA millage will be on the ballot in August and asked for the board’s support.

Supervisor Mathis asked how much it costs for Your Ride. Mr. Maxheimer stated that a flat rate of \$2.00 is charged per trip to any destination in Genesee County.

Clerk Krug stated that he has heard about a possible high speed rail system coming to Genesee County that would connect Chicago and Detroit, with Flint in the middle. Mr. Maxheimer stated that he is not involved in this program but would check into it.

MEETING MINUTES:

The minutes for the 4/16/12 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$404,765.24 for payment as presented.

Motion by: Tucker

Seconded: Krug

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

None

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REPORTS:

Supervisor Mathis reported that a 7th Day Adventist group has notified the Township of their plans to conduct door-to-door missionary campaign during summer months. Compliance with Township ordinances has been verified by the Zoning Administrator and the information has also been shared with the Genesee County Sheriff Department.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Proposed Zoning Ordinance Amendment – Restaurants w/Outdoor Seating/2nd

Reading

Supervisor Mathis reviewed a proposed amendment to the Zoning Ordinance to add language regarding restaurants with outdoor seating, which was introduced at the 4/16/12 meeting. The proposed amendment separates the issues of outdoor seating and live entertainment into separate sections so they can be better addressed. The proposed language requires that the uses cannot create a nuisance for nearby residential uses. Since the uses are subject to a Special Use Permit, the Planning Commission will have the authority to determine compliance. There was no further discussion.

Motion to adopt Ordinance No. 746, an amendment to Zoning Ordinance No 594 to add language regarding restaurants with outdoor seating, as presented.

Motion by: Tucker

Seconded: Brown

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

Nays: None

Motion carried. Ordinance declared adopted.

Proposed Zoning Ordinance Amendment – Outdoor Speakers/2nd Reading

Supervisor Mathis introduced a proposed amendment to the Zoning Ordinance to add language regarding the use of outdoor speakers, which was introduced at the 4/16/12 meeting. This amendment is designed to regulate the use of outdoor speakers that is not already addressed in the ordinance, (outdoor paging system, outdoor eating establishments with “piped in” music, etc.). There was no further discussion

Motion to adopt Ordinance No. 747, an amendment to Zoning Ordinance No 594 to add language regarding outdoor speakers, as presented.

Motion by: Tucker

Seconded: Kesler

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

Nays: None

Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

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Resolution No. 2012-04, Transfer of Liquor License – M. Scott Spooner, Inc.

Operations Manager Broecker reviewed information regarding the proposed transfer of a Class C liquor license and SDM license from Nightingale Lanes in Burton to M. Scott Spooner, Inc. Mr. Spooner is planning to re-open the restaurant formerly known as Tee-Bonz on Lake Ponemah. He is seeking the transfer of the two existing licenses and the addition of dance, entertainment, outdoor service and Sunday sales permits. The outdoor service permit is dependent on the approval of the Fenton Township Planning Commission for the appropriate Special Use Permit. The board can consider conditional approval of the resolution or delay action until after the Planning Commission decision.

Clerk Krug expressed concern that, among the information on Mr. Spooner's application, is an indication that he was arrested in December. Mr. Spooner confirmed that he was arrested in December for OWI, which was subsequently reduced to careless driving. After a brief discussion a motion was made by Trustee Brown and seconded by Treasurer Tucker to postpone action on the resolution until the 6/4/12 meeting.

Proposed Online Payment Processing Agreement – Official Payments Corporation

Supervisor Mathis stated that Fenton Township has been working for the past several months to set up the capability for residents to pay sewer bills and property taxes online with credit cards. The Township is now prepared to enter into an agreement with Official Payments Corporation to provide this service. Treasurer Tucker stated that Official Payments was ultimately selected due to their lower service fee and because they already work with other communities that use the same software programs as Fenton Township.

Attorney Cooley pointed out that the proposed agreement has a two year term with automatic one year renewals. The Township can opt out by giving a written 60-day notice. If the opt out occurs during the first 12 months of the agreement, the Township would be subject to a \$5,000 surcharge.

Trustee Lorraine expressed concern regarding potential liability, the potential for fee increases during the term of the contract, and the fact that the agreement is tied to the laws of the state of Georgia rather than Michigan.

A motion was made by Trustee Lorraine and seconded by Treasurer Tucker to postpone action on the proposed agreement to the 5/21/12 meeting so these issues can be researched further.

Proposed Division and Sale of Township Owned Property

Operations Manager Broecker explained that Fenton Township owns a small triangular parcel of land between 12407 and 12419 Margaret Drive. It is too small to be of any public use and both adjacent property owners have expressed an interest in acquiring the extra land. In the interest of fairness it is being proposed to divide the small parcel and sell half to each adjacent property owner (Robert Eastman III and Greg & Kris Hernacki). The property has been surveyed and the revised legal descriptions have been created. The proposed total sales price is equal to the cost of the property survey, the cost of processing the land division and the cost of recording the appropriate deeds, which has been calculated to be approximately \$700.00.

Treasurer Tucker stated that Mr. Eastman is a client of his and he would prefer to abstain from voting on this issue due to a potential conflict of interest.

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Motion to allow Treasurer Tucker to abstain from voting on the proposed division and sale of parcel 06-11-300-029 due to a potential or perceived conflict of interest.

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

Motion failed.

Motion to approve the division and sale of parcel 06-11-300-029 to the adjacent property owners for a total sale price of \$700.00, as presented.

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

Motion carried.

Proposed Sale of Real Property by Sealed Bid, parcel 06-11-529-081 (12257 Jackson Street; end of Dalhart Drive)

Supervisor Mathis reported that, as discussed at the 4/16/12 board meeting, the Township took ownership of a small parcel at the end of Dalhart Drive under the tax foreclosure process at the end of 2010. Since the property does contain a house and has frontage on Little Long Lake, it has been recommended that the Township sell the property through a sealed bid process. At the 4/16/12 meeting the board asked to have the property appraised before posting the sale notice. The appraisal has been completed and provided to Attorney Cooley. A proposed sale notice has been provided for board review. The proposed bid opening date is 6/28/12.

Motion to approve the sale of parcel 06-11-529-081 by sealed bid as presented.

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

Motion carried.

BOARD COMMENT:

Clerk Krug reported that a number of Fenton Township residents have had their voter registration canceled without realizing it. Any resident who is issued a drivers license in a different state is automatically assumed to be a resident of that state and their voter registration is canceled. Any residents that have experienced this need only re-register at the Fenton Township office or Secretary of State.

Treasurer Tucker reported that a recently passed law changes the deadline for filing Principal Residence Exemptions (PRE's) from May 1 to June 1 of each year. There will be no opportunity to correct them "after the fact" at the July Board of Review. There is also a second deadline (December 1) to file the PRE for winter property taxes.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Jeannette Fellows

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Regarding the property being sold by sealed bid, Ms. Fellows asked if there are any back taxes owing on the property and how the sealed bid process works. Operations Manager Broecker clarified that the Township assumed ownership of this property through the tax foreclosure process, which means there are no back taxes owing. Any interested buyers may submit a sealed bid by the stated deadline. The bids will be opened publicly, and then taken to the Township Board for a final decision.

ADJOURN: Meeting adjourned at 8:25 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 5/8/12