

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF SEPTEMBER 4, 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, Lorraine, Operations Manager Broecker
and Attorney Cooley

Absent: Goupil, Kesler

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 9/4/12 Fenton Township Board Meeting agenda as presented.

Motion by: Lorraine

Seconded: Tucker

Ayes: All Present

Nays: None

Absent: Goupil, Kesler

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 8/20/12 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$261,645.72 for payment as presented.

Motion by: Tucker

Seconded: Brown

Ayes: Mathis, Krug, Tucker, Brown, Lorraine

Nays: None

Absent: Goupil, Kesler

Motion carried.

PUBLIC HEARINGS:

Crane Lake Improvement Special Assessment District – 1st Hearing

Supervisor Mathis opened a public hearing for a proposed 5-year special assessment district for improvements to Crane Lake through the eradication and control of aquatic weeds. The total 5-year cost of the project is approximately \$33,000.00. 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 spoke in favor of the proposed lake improvement special assessment:

Dr. Sharon Schafer, President of Crane Lake Association
Rita Vadasz, 3276 Horrell Court

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Robert Wirostek, 3291 Lahring Road
Joyce Kelley, 3270 Horrell Court
Charles & Phyllis Davis, 3311 Horrell Court (written comments)
Mark Henry, 3280 Horrell Court (written comments)

Their comments included:

- The weed problem has been getting worse for years. Without treatment the lake is gradually becoming a swamp.
- The weeds, primarily the non-native milfoil, negatively affect swimming, boating and fishing.
- The proposed treatment is approved and closely controlled by the DEQ.
- Several other lakes in Fenton Township have implemented similar programs that have been in place for years and, in some cases, decades with no negative affects on the residents, wildlife or environment.

The following individuals spoke in opposition to the proposed special assessment district:

Liz Uptegraff, 3226 Horrell Court
Harry Phillips, 13142 North Road
Roger Watson, 3370 Horrell Court
Keri Bentz-Chestnut, 3234 Horrell Court
Kathleen Lage, 13132 North Road
Lauren Grove, 3380 Horrell Court
Bruce Grove, 3380 Horrell Court
Diane Tushim, 3332 Horrell Court (written comments)
Al & Kathy Seguin, 3386 Horrell Court (written comments)
Colleen Kolla, 3235 Horrell Court (written comments)

Their comments included:

- Opposed to putting poison in the lake and being taxed for it.
- The chemicals used for treatment are similar to Agent Orange.
- Other options for controlling weeds, such as harvesting or the use of milfoil weevils, should be considered.
- The weed problem fluctuates from year to year and is not that serious of a problem.
- Not all property owners were given the opportunity to review the proposed treatment program or the petition.
- More research should be done before using chemical treatments.

The following individuals indicated a neutral position regarding the proposed special assessment district:

Jim Lombardi, 13090 North Road
Carol Lewis, 3354 Horrell Court

Other comments:

Dave Shepherd, 3261 Horrell Court
Mr. Shepherd, who is not in the proposed special assessment district, expressed concern regarding the potential impact of chemical treatments on area wells.

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Dave Franz, 3435 Breeze Point Court

Mr. Franz lives on Loon Lake, which is connected to Crane Lake. They have had a treatment program in place since the late 1990's. He stated that Aquatic Nuisance Plant Control, the same company that submitted the treatment proposal for Crane Lake, treats Loon Lake. All treatments are tightly controlled by the DEQ and must comply with the permit issued. While the treatment proposal includes lily pads and cattails, the DEQ will only allow a limited amount of treatment on these native plants – just enough to allow a boat to navigate. The primary problem is the milfoil, which chokes out native plants. The treatments on Loon Lake have been effective in controlling the milfoil and there have been no adverse affects on the fish or residents. There are swimming and watering restrictions right after the treatments are completed, which are communicated to all property owners. Harvesting on Loon Lake was tried but was not effective.

In response to some of the issues raised by residents, Dr. Schafer confirmed that there were several attempts to get information to all property owners, including door-to-door, mail and meetings. There was no intent to withhold any information. Over 60% of the property owners, by land area, have signed the petition and she urged the board to move the special assessment forward.

It was noted that although the petition was signed by approximately 61% of the property owners by land area, that constitutes 18 of the 42 properties in the proposed district.

Treasurer Tucker asked if the treatment and cost information was provided when the petitions were circulated. Dr. Schafer indicated that this information was shown to residents when the petitions were circulated. Mr. Tucker stated that it appears that most of the residents agree there is a weed problem but not all are in agreement on the best way to address the problem.

Trustee Brown agreed with Treasurer Tucker – the primary concern seems to be a difference of opinion on the best way to address the weed problem. There also seems to be a lack of understanding of the impact of the chemical treatments.

Clerk Krug pointed out that the Township would simply act as a fiscal agent – collecting the assessments and paying the vendor. The Township does not have an opinion on the best treatment option.

Trustee Lorraine suggested that action on the resolution to create the special assessment district could be delayed two weeks to give the residents time to review the information further and attempt to reach a consensus. Operations Manager Broecker noted that the deadline to finalize special assessments for the December tax roll is the end of September. A single 2-week delay is workable but any further delays would eliminate the 2012 assessment to pay for the 2013 treatments. After additional discussion the board decided against postponement.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2012-13

WHEREAS, the Fenton Township Board has received petitions signed by more than 50% of the total land area of the proposed Special Assessment District described hereinafter, and accordingly, determined to proceed under the provisions of 1954 PA

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188, as amended, to secure plans and estimates of cost together with a proposed Special Assessment District for assessing the costs of the proposed lake improvement project to schedule a public hearing upon the same for this date, and

WHEREAS, the 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, in accordance with the aforesaid notices, a hearing was scheduled this 4th day of September 2012 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 Lake Improvement Special Assessment District were properly signed by the record owners of land whose land area constitutes more than 50% of the total land area upon the proposed improvement, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby approve the plans for the improvement of Crane Lake through the control and/or eradication of aquatic weeds as prepared and presented, and the estimated total cost of \$32,998.56 over five years, 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 Lake Improvement Special Assessment District, within which the costs of such improvements shall be assessed, the following described area within said township:

All properties abutting Crane Lake

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. 2012-13 as presented.

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

Motion carried. Resolution declared adopted.

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Supervisor Mathis stated that, in anticipation of the adoption of the previous resolution, a special assessment roll has been completed, certified and submitted to the Township Clerk as required by said Resolution. Clerk Krug presented the following resolution:

RESOLUTION NO. 2012-14

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 \$32,998.56 for the years 2012 through 2016, covering all parcels of land within the Crane Lake 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 September 17, 2012 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 Lake Improvement 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. 2012-14 as presented.

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

Motion carried. Resolution declared adopted.

REPORTS:

None

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Proposed Zoning Ordinance Amendment – Commercial & Industrial Uses/2nd Reading

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Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to add the use **Fabrication** and to revise language regarding the use **Light Fabrication**. As discussed at the 8/20/12 meeting, uses allowed under the "High Tech" zoning district in the previous Zoning Ordinance were reclassified when the current Zoning Ordinance was adopted in 2002. This resulted in some uses inadvertently becoming legal non-conforming uses, making it more difficult to find appropriate uses for some properties. The proposed amendment adds the use Fabrication and revises the definition of Light Fabrication. Both uses are permitted by right in the M-1, M-2 and M-3 zoning districts, although the Zoning Administrator can refer any Fabrication use to the Planning Commission for zoning approval if it has a significant potential for violating certain performance standards (noise, odor, air quality, etc.). There was no further discussion.

Motion to adopt Ordinance No. 750, an amendment to Article 3 of Zoning Ordinance No. 594 to add provisions regarding Fabrication and Light Fabrication, as presented.

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

Motion carried.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

**Resolution No. 2012-15, Schedule Public Hearing on 5-year Assessment Renewal,
Dollar Lake Improvement Special Assessment District**

Supervisor Mathis reported that property owners in the Dollar Lake Improvement Special Assessment District have submitted a 5-year renewal proposal. A new special assessment roll has been created, certified and filed with the Township Clerk. A public hearing is required before confirming the new special assessment roll. A resolution has been prepared to schedule the hearing. Clerk Krug presented the following resolution:

RESOLUTION NO. 2012-15

WHEREAS, the Supervisor and assessing officer of Fenton Township has, in accordance with the laws and statutes pertinent thereto, prepared a special assessment roll in the total amount of \$35,077.27 for the years 2012 through 2016, covering all parcels of land within the Dollar Lake 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 September 17, 2012 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

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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 Dollar Lake Improvement 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. 2012-15 as presented.

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

Motion carried. Resolution declared adopted.

**Resolution No. 2012-16, Schedule Public Hearing on 5-year Assessment Renewal,
Lake Ponemah Improvement Special Assessment District**

Supervisor Mathis reported that property owners in the Lake Ponemah Improvement Special Assessment District have submitted a 5-year renewal proposal. A new special assessment roll has been created, certified and filed with the Township Clerk. A public hearing is required before confirming the new special assessment roll. A resolution has been prepared to schedule the hearing. Clerk Krug presented the following resolution:

RESOLUTION NO. 2012-16

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 \$368,933.40 for the years 2012 through 2016, covering all parcels of land within the Lake Ponemah 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 September 17, 2012 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 Lake Ponemah Improvement Special Assessment District as shown

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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. 2012-16 as presented.

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

Motion carried. Resolution declared adopted.

**Resolution No. 2012-17, Schedule Public Hearing on 5-year Assessment Renewal,
Lake Christi Improvement Special Assessment District**

Supervisor Mathis reported that property owners in the Lake Christi Improvement Special Assessment District have submitted a 5-year renewal proposal. A new special assessment roll has been created, certified and filed with the Township Clerk. A public hearing is required before confirming the new special assessment roll. A resolution has been prepared to schedule the hearing. Clerk Krug presented the following resolution:

RESOLUTION NO. 2012-17

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 \$29,915.12 for the years 2012 through 2016, covering all parcels of land within the Lake Christi 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 September 17, 2012 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 Lake Christi Improvement 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. 2012-17 as presented.

Motion by: Krug
Seconded: Brown
Ayes: Mathis, Krug, Tucker, Brown, Lorraine

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Nays: None
Absent: Goupil, Kesler
Motion carried. Resolution declared adopted.

**Resolution No. 2012-18, Public Hearing on 2012 Fenton Township Fire Protection
Special Assessment Roll**

Supervisor Mathis reported that, in keeping with past practice and policy, the board needs to schedule a public hearing at the second meeting of September for the 2012 Fenton Township Fire Protection Special Assessment Roll. The proposed roll maintains the assessment amount at \$65 per parcel. A resolution has been prepared to formally schedule the public hearing. Clerk Krug presented the following resolution:

RESOLUTION NO. 2012-18

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 \$532,805.00, covering all parcels of land within the Fenton Township Fire Protection 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 September 17, 2012 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 in a newspaper of local circulation not less than five (5) days prior to the hearing, in accordance with the law and statute provided.

Motion to adopt Resolution No. 2012-18 as presented.

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

Motion carried. Resolution declared adopted.

**Resolution No. 2012-19, Approval of Michigan Mutual Aid Box Alarm System
(MABAS) Agreement**

Postponed to 9/17/12 meeting.

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BOARD COMMENT:

Clerk Krug reported that property owners in the Pine Lake area are receiving notices of assessment for the Pine Lake Drain Outlet project that was the subject of public hearings through the Genesee County Drain Commissioner. These notices reflect the recovery of costs for the engineering study and drain district process that was completed before it was terminated. It is not due the process starting over.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

None

ADJOURN: Meeting adjourned at 9:40 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 9/5/12