

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF AUGUST 18, 2014**

**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 (arrived 7:35 p.m.), Kesler, Lorraine, Shumaker,
Attorney Cooley and Operations Manager Broecker.

Absent: Goupil

PLEDGE OF ALLEGIANCE / OPENING PRAYER:

Supervisor Mathis led the pledge of allegiance to the flag. Trustee Shumaker offered the opening prayer.

APPROVAL OF AGENDA:

Motion to approve the 8/18/14 Fenton Township Board Meeting agenda as presented.

Motion by: Shumaker

Seconded: Lorraine

Ayes: All Present

Nays: None

Absent: Tucker, Goupil

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 8/4/14 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$1,077,526.37 for payment as presented.

Motion by: Lorraine

Seconded: Tucker

Ayes: Mathis, Krug, Tucker, Kesler, Lorraine, Shumaker

Nays: None

Absent: Goupil

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

Supervisor Mathis reported that the very large, vacant house at north end of Lake Fenton has been purchased and the new owner plans to demolish the house. Demolition should be completed by October.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

**Proposed Amendment to PUD Conditions for Previously Approved PUD Project –
Vicinia Gardens, (parcels 06-33-400-030, 06-33-400-031 & 06-33-400-032);
2nd Reading**

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to revise the conditions for a previously approved Planned Unit Development project located near the

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF AUGUST 18, 2014**

intersection of Owen and Jennings Roads, commonly known as Vicinia Gardens, which was introduced at the 8/4/14 meeting. The proposed amendment includes the addition of a skilled nursing center, an increase in the total units from 161 to 205 and an increase in building height for the independent senior center from 40 to 47 feet.

Motion to adopt Ordinance No. 768, an amendment to Zoning Ordinance No. 594 to revise PUD conditions for the PUD project located on parcels 06-33-400-030, 06-33-400-031 & 06-33-400-032, as presented.

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

Motion carried. Ordinance declared adopted.

Proposed Illicit Discharge and Connection Stormwater Ordinance; 1st Reading

Supervisor Mathis introduced a proposed ordinance to regulate non-stormwater discharges to storm drainage systems owned by the Township. This ordinance is necessary to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. Operations Manager Broecker explained that the ordinance only applies to township owned properties since all other stormwater systems are under the jurisdiction of the road commission or drain commissioner. It is unlikely that this ordinance would ever need to be enforced, however it is still required.

There was no public comment. The second reading of the proposed ordinance will be conducted at the 9/8/14 meeting.

UNFINISHED BUSINESS:

Resolution No. 2014-12, Dartmouth Drive Road Improvement Special Assessment

Roll

Supervisor Mathis reported that the Township Board conducted a public hearing on the special assessment roll for proposed improvements to Dartmouth Drive at the 8/4/14 meeting. The proposed special assessment roll is based on estimated costs. If the project is approved, the roll will be revised to reflect actual costs after the project has been completed. The resolution to confirm the roll was postponed in order to verify additional information and to see if a representative of the Genesee County Road Commission could attend this meeting to answer questions. The road commission was not able to send a representative so Allen Lawrence of Lawrence Engineering had planned to be here this evening answer questions. Unfortunately he had to travel out of town unexpectedly and could not attend.

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

RESOLUTION NO. 2014-12

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 Dartmouth Drive Road Improvement Special Assessment District as shown on the plans and specification for such project, and

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF AUGUST 18, 2014**

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

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;

NOW, 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. 2014-1, and shall hereby be confirmed as the assessment roll for the Dartmouth Drive Road Improvement Special Assessment District, and

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Dartmouth Drive Road Improvement Special Assessment Roll shall be divided into ten (10) equal annual installments of principal with the first installment to be due on or before December 1, 2014 and the following installments to be due on or before the first day of December for the years 2015 through 2023, 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 four percent (4%), and

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, 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.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF AUGUST 18, 2014**

Motion to adopt Resolution No. 2014-12 as presented

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

Motion carried. Resolution declared adopted.

Resolution No. 2014-13, Mute Swan Controls – Ponemah, Squaw & Tupper Lakes

Supervisor Mathis reported that the board reviewed at the 7/21/14 meeting a request from residents of Ponemah, Squaw and Tupper Lakes to adopt a resolution of support for the DNR ***Mute Swan Management and Control Program Policy and Procedures*** for mute swan nest and egg destruction. The board indicated a preference for a more narrowly defined area in which the activities would take place, and evidence that a majority of property owners on these lakes support the program.

Public comment:

Terry Funch, 3403 Rolston Road

Ms. Funch is opposed to the proposed controls, which could potentially eradicate the species.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft also believes that the proposed program is a case of too much government intervention.

Operations Manager Broecker reported that he contacted the original requestor to encourage more attendance at this meeting and/or submit evidence that a majority of property owners are in favor of the program. Nothing was turned in and there appears to be no one in the audience to support the request.

Treasurer Tucker, who lives on Tupper Lake, stated that he has talked to many of his neighbors and no one seems to be overly concerned with the mute swans. He suggests not acting on this issue for now, although it may be brought back at a later date.

Supervisor Mathis and Clerk Krug also stated opposition to the program.

Motion to remove Resolution No. 2014-13 from the agenda.

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

Motion carried.

September Meeting Dates Reminder

Supervisor Mathis reminded the board and audience that the September meeting dates will be on the second and fourth Mondays, 9/8/14 and 9/22/14.

NEW BUSINESS:

Revised GCRC Project Agreement – Old Linden Road Storm Sewer Repair

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF AUGUST 18, 2014**

Supervisor Mathis reviewed information from the Genesee County Road Commission regarding the previously approved storm drain outlet repair on Old Linden Road at Dooley Drive. The road commission has determined that the cost of the project will be much higher than initially estimated. As a result, the Township's share of the cost will increase from \$15,500 to \$45,180. A new agreement has been provided by the road commission to approve the revised cost.

Motion to approve the ***Amendment To The Agreement With Fenton Charter Township For Old Linden Road & Dooley Drive Storm Sewer***, as presented.

No motion was made. The issue dies for lack of a motion. This project will be added to next year's budget list.

Resolution No. 2014-14, Road Improvement Special Assessment for Latourette Drive

Supervisor Mathis reported that the residents of Latourette Drive have petitioned for a special assessment to repave their street. A resolution has been prepared to schedule the first public hearing on the proposed special assessment. Clerk Krug presented the following resolution:

RESOLUTION NO. 2014-14

WHEREAS, the Fenton Township Board has accepted a petition from the record owners of properties abutting Latourette Drive to establish a special assessment district for the purpose of resurfacing Latourette Drive, and

WHEREAS, it has been determined that the petition has been signed by the record property owners representing more than 50% of the road frontage of the proposed improvement, and

WHEREAS, preliminary plans and estimated costs for the foregoing road improvement have been placed on file in the office of the Township Clerk,

NOW, THEREFORE, BE IT RESOLVED, that the Fenton Township Board does hereby tentatively declare its intent to resurface Latourette Drive, a private street in Fenton Township, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby tentatively establish the boundaries of the proposed special assessment district to include all properties with frontage on or access to Latourette Drive, and

BE IT FINALLY RESOLVED, that the Fenton Township Board will hold a public hearing on the establishment of the proposed special assessment district at its regular meeting to be held on Monday September 8, 2014 at the Fenton Township Civic Community Center, beginning at 7:30 p.m.

Motion to adopt Resolution No. 2014-13 as presented.

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

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF AUGUST 18, 2014**

Motion carried. Resolution declared adopted.

BOARD COMMENT:

None

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

William Love, Dartmouth Drive

Mr. Love asked about the next steps in the Dartmouth Drive paving project. Operations Manager Broecker explained the process, noting that construction cannot happen until 2015.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked about the cost and useful life of chip and seal road resurfacing vs. standard asphalt resurfacing. Operations Manager Broecker will provide that information after the meeting.

ADJOURN: Meeting adjourned at 8:15 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 8/19/14