

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JULY 10, 2017**

**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, Goupil, Kesler, Lorraine, Shumaker, Attorney Doyle
and Operations Manager Broecker.

Absent: None

OPENING PRAYER / PLEDGE OF ALLEGIANCE:

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

APPROVAL OF AGENDA:

Motion to approve the 7/10/17 Fenton Township Board Meeting agenda as presented.

Motion by: Goupil

Seconded: Shumaker

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 6/19/17 regular meeting stand approved as presented.

EXPENDITURES:

Trustee Lorraine asked how much of the Cook Excavating invoice was related to the pump station upgrade project. It was pointed out that the detail portion of the expenditure report includes a breakdown of the invoice. For this invoice, approximately \$28,000 was related to the pump station project. Motion to approve invoices and expenditures for all funds totaling \$559,481.60 for payment as presented.

Motion by: Tucker

Seconded: Kesler

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

**Lake Christi Improvement Special Assessment District – Hearing on Proposed
Special Assessment Roll (5-year Extension)**

Supervisor Mathis opened a public hearing on a new special assessment roll for the Lake Christi Improvement Special Assessment District that, if confirmed, will continue the lake improvement project for an additional five years. The proposed assessment amounts per parcel over the five-year period of 2017 through 2021 are as follows:

2017	\$ 100.62
2018	89.48
2019	92.16
2020	94.93
2021	97.77

The board will accept public comment regarding the following:

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

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JULY 10, 2017**

3. The validity of the special assessment proceedings to date.

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

RESOLUTION NO. 2017-16

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 special 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 Lake Christi Improvement Special Assessment District as shown on the plans and specifications for such project, and

WHEREAS, such public hearing was preceded by proper notice in the Tri-County Times, 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, and

WHEREAS, the Township Board has duly inspected the proposed special assessment roll and considered all comments and proposed amendments thereto and has found the proposed special assessment roll, as submitted, to be correct, just and reasonable;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. *The special assessment roll submitted by the supervisor and assessing officer of the Township, shall hereafter be designated as Fenton Township Special Assessment Roll No. 2017-1 and shall hereby be confirmed as the special assessment roll for the Lake Christi Improvement Special Assessment District.*
2. *The assessments in said Fenton Township Special Assessment Roll No. 2017-1 shall be divided into five annual installments with the first installment due on or before December 1, 2017 and the following installments to be due on or before the first day of December of each year thereafter indicated.*
3. *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.*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JULY 10, 2017**

4. *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.*
5. *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. 2017-16 as presented.

Motion by: Krug

Seconded: Shumaker

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

Nays: None

Motion carried. Resolution declared adopted.

**Proposed Special Assessment District for the Improvement of Eleanor Street from
Owen Road to Island View Drive - Continuation of June 19th Public Hearing
Discussion**

Supervisor Mathis explained that, in accordance with the discussions and action taken at the 6/19/17 township board meeting, the public hearing on the proposed special assessment district to improve Eleanor Street was to be continued at the 7/10/17 township board meeting. Based on the letter from Attorney Belzer clarifying his interpretation of PA 188 of 1954, however, continuing the previous public hearing is unnecessary. There are two possible directions for the board to take with regard to this proposed special assessment:

1. Require the filing of petitions with signatures constituting more than 50% of the road frontage in the proposed special assessment district.

OR

2. Adopt a resolution that:
 - a. Declares the board's intent to improve Eleanor Street.
 - b. Tentatively establishes the boundaries of the proposed special assessment district.
 - c. Schedules a public hearing on the creation of the special assessment district by board resolution.

If written objections are filed with the Township at or before the hearing from property owners constituting more than 20% of the road frontage of the proposed district, the special assessment cannot proceed. In that event, a petition of over 50% of the total frontage would still be required.

After brief discussion, the board determined not to establish the district by resolution. If the residents wish to pursue the special assessment district, a new petition will be required.

Public Comment:

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JULY 10, 2017**

Roger Rohr, 4205 Island View Drive

Mr. Rohr asked for clarification of the special assessment procedure. Treasurer Tucker explained that the board would not initiate the special assessment district by resolution. Therefore, a petition containing signatures of more than 50% of the total road frontage in the proposed district will be required to initiate special assessment proceedings.

Richard Steinhoff, 4436 Island View Drive

Mr. Steinhoff agreed with board's decision not to establish the district by resolution. He also suggested that the property owners fronting Eleanor Street might want to create a special assessment district to include just those properties.

William Gardner, 4321 Island View Drive

Mr. Gardner stated that he requested a petition to oppose the special assessment district but was told a counter-petition was not possible. It was clarified that a petition of opposition is only valid if the board initiates the special assessment district by resolution.

Gary Somers, 23 Chateaux du Lac

Mr. Somers questioned how road frontage would be calculated since much of the Chateau du Lac development is common element. He also stated that he would not use Eleanor Street, even if it were re-paved. He believes the Owen Road – Eleanor Street intersection is a dangerous one and he prefers to exit via Jacob Road.

Paul Dorland, 4448 Eleanor Street

Mr. Dorland agrees with the board's position regarding the petition. He still supports repaving the road and sharing the cost.

Carol Jankowski, 4420 Eleanor Street

Ms. Jankowski asked what streets are included in the proposed special assessment district. Operations Manager Broecker stated that the streets included are Eleanor Street, Island View Drive, Barrington Hills, Chateaux du Lac, Pavilion Drive, Pavilion Court and Pine Bluff Court.

Supervisor Mathis stated that improving Eleanor Street would improve home values for all properties in the area.

REPORTS:

None

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

Proposal to Develop Master Plan and Thompson Road Corridor Plan Updates

The board reviewed proposals submitted to assist the Township in updating its Master Plan and Thompson Road Corridor Plan.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JULY 10, 2017**

Supervisor Mathis stated that she supports Rowe Professional Services since they have done our prior plan and would already have much of the information.

Trustee Goupil supported the proposal of Beckett & Raeder. He believes their firm would bring a fresh approach, and their proposal was slightly lower in cost.

Trustee Lorraine stated that, based on his research, Beckett & Raeder is a highly respected firm. He wants to start fresh rather than simply update the old Master Plan.

Motion to accept the proposal of Beckett & Raeder, Inc. to develop updates to the Fenton Township Master Plan and Thompson Road Corridor Plan, as presented.

Motion by: Lorraine

Seconded: Kesler

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

Nays: None

Motion carried.

NEW BUSINESS:

Real Estate Broker Service Proposals – Review and Selection

Supervisor Mathis reported that, at the direction of the township board, an RFP was developed to solicit proposals from real estate professionals to provide services relating to the marketing and sale of properties owned by the Township. A total of three proposals were received. The board reviewed the proposals and a summary analysis of the proposals. The board agreed to remove the proposal from McGuirk Realty from consideration because it did not include a valuation statement, which was a requirement of the RFP.

Treasurer Tucker suggested that the properties could be divided equally between the two realtors. After further discussion, the consensus of the board was to utilize a single realtor.

Motion to retain the services of Ed Constable/Tremaine Real Estate, under a 6-month agreement with an early termination cost of zero, to provide real estate broker services for the marketing and sale of properties owned by Fenton Township, as presented.

Motion by: Lorraine

Seconded: Goupil

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

Nays: Krug

Motion carried.

Proposed State of Michigan Grant Agreement – New Election Equipment

Operations Manager Broecker reviewed a proposed grant agreement with the State of Michigan to provide funding for new election equipment. The grant, which includes a combination of federal HAVA funds and State of Michigan funding, will purchase new ballot tabulators and voter assist terminals. The only cost to the Township is approximately \$5,000 for one additional tabulator to be used as a spare.

Treasurer Tucker asked if the new equipment included any internet connectivity. Operations Manager Broecker confirmed that the equipment does not use the internet in any way. We will still use paper ballots marked by voters.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JULY 10, 2017**

Trustee Goupil asked if there is any downside to the grant. Operations Manager Broecker stated that all of Michigan is required to upgrade their election equipment. Approval of the grant will provide approximately \$50,000 in funding for the purchase.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2017-17

WHEREAS, the Fenton Township Board wishes to apply to the Secretary of State for a grant to purchase a new voting system, which includes precinct tabulators, Absent Voter Counting Board (AVCB) tabulators, accessible voting devices for use by individuals with disabilities, and related Election Management System (EMS) software, and

WHEREAS, partial funding for the new voting system will be provided by the State, and will include a combination of Federal Help America Vote Act and State-appropriated funds.

WHEREAS, the Charter Township of Fenton plans to begin implementation of the new voting system in 2017;

NOW, THEREFORE, BE IT RESOLVED, that the Fenton Township Clerk is authorized to submit this Grant Application on behalf of the Charter Township of Fenton.

Motion to adopt Resolution No. 2017-17 as presented.

Motion by: Krug

Seconded: Shumaker

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

Nays: None

Motion carried. Resolution declared adopted.

**Resolution No. 2017-18, Schedule Hearing on Proposed Street Improvement
Special Assessment District for the Liberty Shores Condominium
Development**

Supervisor Mathis reported that property owners in the Liberty Shores condominium subdivision have filed petitions to create a street improvement special assessment district. During the initial construction of Phase 1 and Phase 2 of the development, the streets never received the final top layer of asphalt. The proposed special assessment would pay for the cost of repairs to the existing pavement base and the top layer of asphalt. While the improvement would affect the streets in Phases 1 and 2 only, properties in Phase 3 are also proposed to be included in the special assessment district and are included on the petitions. The signatures on the petitions submitted represent 57.48% of the total frontage in the proposed district.

The proposed cost of the project is approximately \$250,000 plus administrative and financing costs. If approved, the project will be completed by Ace-Saginaw Paving Company, a contractor selected by the Liberty Shores Condominium Association.

Clerk Krug presented the following resolution:

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JULY 10, 2017**

RESOLUTION NO. 2017-18

WHEREAS, the Charter Township of Fenton has accepted petitions from owners of properties in the Liberty Shores condominium subdivision to create a special assessment district under the authority of Michigan Public Act 188 of 1954, as amended, for the purpose of completing the asphalt surfacing of streets in Phase 1 and Phase 2 of Liberty Shores, and

WHEREAS, it has been determined that the petition has been signed by property owners constituting more than 50% of the road frontage of the proposed special assessment district, and

WHEREAS, preliminary plans and estimated costs for the foregoing street improvements 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 complete the asphalt surfacing of the streets in Phase 1 and Phase 2 of the Liberty Shores condominium subdivision, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does tentatively designate the special assessment district against which the costs of the improvements are to be assessed as the Liberty Shores Street Improvement Special Assessment District, which shall include the lands and premises more particularly described as follows:

All units in the Liberty Shores Condominium Subdivision

and

BE IT FURTHER RESOLVED, that a hearing on any objections to the petitions, to the improvement, the estimate of costs, and to the special assessment district proposed to be established for the assessment of the cost of such improvement, shall be held on Monday July 24, 2017 at a regular meeting of the township board at the Fenton Township Civic Community Center, 12060 Mantawauka Drive, Fenton, Michigan, commencing at 7:30 p.m., and

BE IT FURTHER RESOLVED, that the Township Clerk is instructed to give proper notice of such hearing by mailing and publication in accordance with law and statute provided, 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. 2017-18 as presented.

Motion by: Krug

Seconded: Tucker

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

Nays: None

Motion carried. Resolution declared adopted.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JULY 10, 2017**

Proposed Amendments to 2017 Fenton Township Budget

Operations Manager Broecker reviewed proposed amendments to the 2017 budget. In the general fund, the most significant changes were related to the addition of a special election in November and moving the dog park financial activity to a separate fund. The net change to the General Fund is zero with the fund still projecting a balanced budget. The amendment also includes the creation of a budget in the Dog Park Fund. There are no proposed amendments to any of the other funds at this time.

Motion to adopt amendments to the 2017 Fenton Township Budget as presented.

Motion by: Goupil

Seconded: Tucker

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

Nays: None

Motion carried.

Proposed Local Road Project – Butcher Road Resurfacing

Supervisor Mathis reviewed a cost proposal from the Genesee County Road Commission for the asphalt resurfacing of Butcher Road from Fenton Road to the county line. The estimated cost is \$126,413.16, which will be reduced to approximately \$103,000 after applying the remainder of the Township's 50/50 matching funds.

Motion to approve the Genesee County Road Commission proposal to resurface Butcher Road from Fenton Road to the county line at an estimated cost of \$126,413.16, as presented.

Motion by: Goupil

Seconded: Shumaker

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

Nays: None

Motion carried.

Law Enforcement Update

Genesee County Sheriff Department Detective Tom Zak provided a brief law enforcement update. There were a number of vehicle break-ins in the southern part of the township during the month of June. Suspects were identified and have been charged. He also again emphasized that the deputies assigned to Fenton Township have been directed to increase the number of traffic stops to increase visibility in the community.

Trustee Lorraine questioned the number of law enforcement personnel present over the recent holiday in the area of Lake Fenton known as Eagles Point. He is concerned that so many resources were expended protecting private property. Detective Zak clarified that the law enforcement presence was not for private property protection, but to protect the peace and public safety.

BOARD COMMENT:

Trustee Goupil asked about the status of the dog park. Clerk Krug stated that the driveway is expected to be constructed later this month. They are currently soliciting bids for the fence and fence installation. The committee has also received an offer to drill the well for the dog park at no cost.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JULY 10, 2017**

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

None

ADJOURN: Meeting adjourned at 9:30 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 7/11/17