

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF AUGUST 7, 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
Belzer 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 8/7/17 Fenton Township Board Meeting agenda as presented.

Motion by: Lorraine

Seconded: Kesler

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 7/24/17 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$422,889.80 for payment as presented.

Motion by: Tucker

Seconded: Krug

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

**Hearing on Proposed Special Assessment Roll - Liberty Shores Street
Improvement Special Assessment District**

Supervisor Mathis opened a public hearing on the special assessment roll for the Liberty Shores Street Improvement Special Assessment District. The proposed assessment amount is \$2,180.20 per parcel, which will be spread over a 10-year period. The board will accept public 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.

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

RESOLUTION NO. 2017-23

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

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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 installed within the Liberty Shores Street 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 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, comments were received from those present at such public hearing concerning said special assessment roll and opportunity to all present to be heard in the matter, and

WHEREAS, a record of those present to protest, and of written protests submitted, if any, 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. 2017-2, and shall hereby be confirmed as the assessment roll for the Liberty Shores Street Improvement Special Assessment District.*
- 2. The assessments in said Fenton Township Special Assessment Roll No. 2017-2 shall be divided into ten (10) equal annual installments of principal with the first installment to be due on or before December 1, 2017 and the following installments to be due on or before the 1st day of the same month of each and every year thereafter. 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 the annual rate equal to one percent (1%) above the average rate of interest borne by bonds to be sold by the Township in anticipation of the collection of the special assessments, commencing on the first installment due date hereinbefore set forth.*
- 3. Future due installments of an assessment against any parcel of land may be paid to the 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 PA 188.*

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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 PA 188.*
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. 2017-23 as presented.

Motion by: Krug

Seconded: Shumaker

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

Nays: None

Motion carried. Resolution declared adopted.

Hearing on Proposed Special Assessment Roll - Crane Lake Improvement Special Assessment District

Supervisor Mathis opened a public hearing on a new special assessment roll for the Crane Lake Improvement Special Assessment District that, if confirmed, will continue the lake improvement project for an additional five years. The proposed assessments are \$169.07 in the first year (including township administration costs) and \$153.53 in years 2-5. The board will accept public 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 special assessment proceedings to date.

Public Comment:

Dr. Sharon Schafer, Past President of Crane Lake Association

Dr. Schafer supports the continuation of the weed control program. The past five years have improved the lake quality significantly. She had previously submitted 15 signatures in support of the program and has 4 more to turn in this evening. Dr. Schafer asked board to approve renewal of special assessment.

Liz Uptegraff, 3226 Horrell Court

Ms. Uptegraff prefers not to use herbicides in Crane Lake. She doesn't believe there has been significant improvement of the weed problem since the program began. She also stated she has a letter of opposition from her neighbor, Marcella Kayko.

Charles Davis, 3311 Horrell Court

Mr. Davis, a 50-year resident on Crane Lake, stated that it was impossible to get a boat on the lake five years ago due to the milfoil weeds. The weed control program has improved lake quality noticeably and he has not seen any negative impacts on the lake. Mr. Davis supports the renewal.

Dan Hrbek, 3234 Horrell Court

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Mr. Hrbek, a 3-year lake resident, stated that he was initially opposed to herbicide treatments but now sees the benefit. He believes it is the best alternative available currently.

Kathleen Lage, 13132 North Road

Ms. Lage stated that she is very much opposed to herbicide treatments in Crane Lake. She expressed concern that not all property owners were kept informed of the process by the association. She would like the association to explore alternate methods of treatment. She also stated that the informal petition was not offered to all property owners and noted that less than 50% of the property owners are supporting a renewal of the current program.

Jason Harley, 3354 Horrell Court

Mr. Harley, the current President of Crane Lake Association, stated that weeds are not only a nuisance for boating but they can also be very dangerous. He lost a family member who drowned after becoming tangled in weeds. He noted that all herbicides are DEQ approved, the treatments have been very effective for the past few years and believes that an untreated lake will reduce property values. Mr. Harley also clarified that the informal petition was not created by the association but was circulated by concerned residents. He also expressed concern that the time constraints of the special assessment process won't allow a lengthy investigation of alternative methods. He supports renewal of the existing program and assessment.

Patty Slattery, 3364 Horrell Court

Ms. Slattery supports the continuation of weed control program. Having the program administered by a licensed professional is the best option.

Phil Cave, 13132 North Road

Mr. Cave voiced his concerns that the lake association did not communicate issues effectively.

Treasurer Tucker expressed concern with standard of approval for the continuation of the special assessment. Since the special assessment district has already been created, how should the board determine if the project should be continued? Attorney Belzer recommended continuing hearing at the next meeting so he can research the statute further.

Motion to continue the public hearing on the Crane Lake Special Assessment District assessment roll at the 8/21/17 meeting.

Motion by: Tucker

Seconded: Lorraine

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

Nays: None

Motion carried.

REPORTS:

Ordinance Enforcement 2nd Quarter Report

The board reviewed the second quarter report from Ordinance Enforcement Officer Tom Hosie. Tall grass, blight and zoning complaints were the highest volume categories for the three month period.

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COMMUNICATIONS:

Household Hazardous Waste Collection / Recycle Day

Supervisor Mathis reviewed the Recycle Day flyer from Genesee County. Household hazardous waste and electronic waste can be dropped off at Flushing High School and the Flint Water Service Center on Saturday 8/26/17 from 10:00 a.m. to 2:00 p.m.

ADOPTION OF ORDINANCES:

Proposed Amendment to Disorderly Persons Ordinance/1st Reading

Supervisor Mathis introduced a proposed amendment to the Disorderly Persons Ordinance that has been recommended by Attorney Belzer. The proposed amendment would remove provisions relating to marihuana. A separate ordinance has been drafted to include marihuana related offenses. Attorney Belzer explained that these two ordinances would eliminate any confusion relative to medical marihuana facilities.

There was no public comment. The second reading of the proposed ordinance will be conducted at the 8/21/17 meeting.

Proposed Marihuana Possession Ordinance/1st Reading

Supervisor Mathis introduced a proposed ordinance to prohibit the possession of marihuana in Fenton Township. This ordinance has been recommended by the township attorneys to replace the removed sections of the Disorderly Persons Ordinance.

There was no public comment. The second reading of the proposed ordinance will be conducted at the 8/21/17 meeting.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

LED Lighting Proposals for Fenton Township Facilities

Operations Manager Broecker reported that the township has been working for the past few months on the solicitation of proposals to upgrade township facilities to LED lighting. This would not only improve lighting quality and increase energy efficiency at the Fenton Township Civic Community Center and both fire stations, it would also take advantage of current Consumers Energy incentive programs.

The board reviewed an analysis of the three proposals submitted to the township, along with the supporting documents provided by each contractor. It was noted that each proposal differed in number and type of fixtures, making it difficult to make accurate comparisons. After a brief discussion, the board directed Operations Manager Broecker to request additional information from the contractors to allow a more accurate comparison of the proposals.

Motion to postpone for further research, action on LED lighting proposals for township facilities.

Motion by: Lorraine
Seconded: Tucker
Ayes: All
Nays: None

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Motion carried.

Offers to Purchase Tax-Reverted Property

Realtor Ed Constable reported that the Township has received offers on two of the tax-reverted properties recently listed for sale.

Three offers have been received on the two commercial properties on Thompson Road.

1. A cash offer of \$300,000.
2. A cash offer of \$325,000, with the following conditions:
 - a. An extra 5% fee paid to the buyer's agent.
 - b. A survey of the properties to be paid for by the township.
3. A financed offer of \$335,250.

After a brief discussion, the board decided to take no action until they have had an opportunity to discuss the Thompson Road properties in more detail.

The Township has also received an offer on the property located at 14331 Eastview Drive, (the former location of Frank's Tavern). Realtor Ed Constable stated that the property is listed for \$40,000 and the offer received is \$10,000. After a brief discussion, the board agreed not to accept the offer, but to authorize a counter-offer.

Motion to submit a counter offer of \$30,000 (net) for parcel 06-22-400-046 (14331 Eastview Drive).

Motion by: Kesler

Seconded: Shumaker

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

Nays: None

Motion carried.

BOARD COMMENT:

Trustee Goupil reported that the 25mph speed limit sign at the end of Eastview is missing. He requested that a new speed limit sign to be installed. This will be requested through the Genesee County Road Commission.

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

Annette Bambach, 14192 Eastview Drive

Ms. Bambach stated that it has been over a year since residents brought concerns to the township regarding the Lake Ponemah Mobile Home Park. She doesn't believe enough has been done to correct the problems. The discussion continued for a considerable time on a number of issues relating to the mobile home park, including the reported rental of dock spaces. Attorney Belzer noted that the complaint regarding the rental of dock spaces has been reviewed and is legal.

CLOSED SESSION:

Motion to recess the regular meeting for the purpose of convening a closed session to discuss a proposed employment agreement for the Operations Manager.

Motion by: Shumaker

Seconded: Goupil

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

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Nays: None
Motion carried.
The regular meeting was recessed at 9:30 p.m.

RECONVENE:
The regular meeting was reconvened at 11:15 p.m.

ADJOURN: Meeting adjourned at 11:15 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 8/14/17