

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF OCTOBER 2, 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, Goupil, Lorraine, Attorney Belzer and Operations Manager Broecker.

Absent: Tucker, Kesler, Shumaker

**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 10/2/17 Fenton Township Board Meeting agenda as presented.

Motion by: Lorraine

Seconded: Goupil

Ayes: All Present

Nays: None

Absent: Tucker, Kesler, Shumaker

Motion carried. The agenda is approved.

**MEETING MINUTES:**

The minutes for the 9/18/17 regular meeting and the 9/25/17 workshop meeting stand approved as presented.

**EXPENDITURES:**

Motion to approve invoices and expenditures for all funds totaling \$592,703.29 for payment as presented.

Motion by: Lorraine

Seconded: Goupil

Ayes: Mathis, Krug, Goupil, Lorraine

Nays: None

Absent: Tucker, Kesler, Shumaker

Motion carried.

**PUBLIC HEARINGS:**

**Proposed Special Assessment Roll - Dollar Lake Improvement Special Assessment District No. 2**

Supervisor Mathis opened a public hearing on the special assessment roll for Dollar Lake Improvement Special Assessment District No. 2. The proposed roll assesses a total of \$653.45 per parcel, spread over a 5-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.

Public Comment:

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Greg Clauson, 1518 Triple Oak Drive

Mr. Clauson expressed concern that property owners that do not front the lake, but have deeded access to the lake through a community park, are not included in the special assessment district. Operations Manager Broecker stated that when the special assessment district was established the first time, the petitioners did not include these "back lot" owners. The only way to include them now would be to start the special assessment process over, which would significantly increase administrative costs and it would be too late to put the special assessment on this year's tax roll. Attorney Belzer stated that the district boundaries could have been adjusted if this issue had been brought up before the district was created. There is really no way to change it now.

John Rush, 12356 Dollar Lake Court

Mr. Rush, President of the Dollar Lake Association, asked if there is any way to include the additional properties next year. Attorney Belzer stated that he does not believe there is any way to make a change to the district boundaries until this new assessment expires in five years.

Greg Dent, 12293 Dollar Lake Drive

Mr. Dent asked why the assessment amount is so much higher in the first year. Operations Manager Broecker explained that the first installment of the special assessment includes the reimbursement of administrative costs to the Township for notice publication, mailing, etc.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked if the back lot properties existed when the special assessment district was first established. If so, the petitioners should have included them at that time. Supervisor Mathis stated that the properties in question were in existence when the first special assessment district was created.

There was no further discussion. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2017-43**

*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 lake improvement project within Dollar Lake Improvement Special Assessment District No. 2 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, 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*

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*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. 2017-7 and shall hereby be confirmed as the special assessment roll for Dollar Lake Improvement Special Assessment District No. 2.*
- 2. The assessments in said Fenton Township Special Assessment Roll No. 2017-7 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 1<sup>st</sup> day of the same month of each and every year thereafter.*
- 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 said Michigan PA 188.*
- 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. 2017-43 as presented.

Motion by: Krug

Seconded: Goupil

Ayes: Mathis, Krug, Goupil, Lorraine

Nays: None

Absent: Tucker, Kesler, Shumaker

Motion carried. Resolution declared adopted.

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**REPORTS:**

**Open Burning**

Supervisor Mathis reminded the public that open burning is illegal in Fenton Township, except for small campfires for cooking. Additionally, leaves and grass clippings cannot be burned under any circumstances.

**COMMUNICATIONS:**

None

**ADOPTION OF ORDINANCES:**

**Proposed Gas & Electric Franchise Ordinance - Consumers Energy/2<sup>nd</sup> Reading**

Supervisor Mathis reviewed a proposed gas & electric franchise ordinance for Consumers Energy Company, which was introduced at the 9/18/17 meeting. The previous franchise ordinance was adopted in 1987 and will expire before the end of this year. The proposed ordinance grants franchise rights to Consumers Energy to continue providing natural gas and electric service in Fenton Township for another 30 years. There was no further discussion.

Motion to adopt Ordinance No. 798, a 30-year gas & electric franchise ordinance for Consumers Energy Company, as presented.

Motion by: Goupil

Seconded: Krug

Ayes: Mathis, Krug, Goupil, Lorraine

Nays: None

Absent: Tucker, Kesler, Shumaker

Motion carried. Ordinance declared adopted.

**UNFINISHED BUSINESS:**

**Election Commission Meeting – 10/16/17**

Clerk Krug announced that the Fenton Township Election Commission will meet on 10/16/17 at 6:55pm (prior to the Public Safety Committee meeting and the regular Township Board meeting) to appoint election inspectors for the 11/7/17 election.

**NEW BUSINESS:**

**Genesee County Road Commission Local Road Agreement-Dartmouth Drive**

**Resurfacing**

Supervisor Mathis noted that the board adopted a resolution to create a special assessment district for the resurfacing of part of Dartmouth Drive at the 9/5/17 board meeting. The next step in the process is to execute an agreement with the Genesee County Road Commission, which will allow them to proceed with project design. The board reviewed the proposed agreement, which includes an estimated construction cost of \$80,000 for the project.

Motion to approve the Local Road Agreement with the Genesee County Road Commission for the resurfacing of part of Dartmouth Drive, as presented.

Motion by: Krug

Seconded: Lorraine

Ayes: Mathis, Krug, Goupil, Lorraine

Nays: None

Absent: Tucker, Kesler, Shumaker

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Motion carried.

**Proposed Change to 2017 Meeting Schedule**

The board reviewed a memo from Operations Manager Broecker requesting that the township board consider rescheduling the 11/6/17 meeting to avoid timing issues created by the 11/7/17 election. Attorney Belzer advised that the board cannot simply reschedule a meeting after the meeting schedule has been established. Based on the direction of the attorney, no change will be made to the 2017 meeting schedule.

**Proposed Revision to PUD Plan – Torrey/Thompson**

The board reviewed a memo from Zoning Administrator Doug Piggott regarding the approved PUD project at the northeast corner of Torrey and Thompson Roads. The owner/developer of the property is proposing an indoor/outdoor farmers market to be developed in the southeast corner of the subject property. The approved conceptual plan included a grocery store in that section of the property. Since a grocery store and farmers market are similar uses and a farmers market is a permitted use in the C-2 zoning district, (a requirement of the PUD rezoning for this property), Mr. Piggott has stated that he does not believe a zoning amendment is necessary for the requested change. Site plan approval by the Planning Commission will still be required. After a brief discussion, the board decided to postpone any further discussion until the entire board is present.

**Offer to Purchase Tax-Reverted Property**

Realtor Ed Constable reported that the Township has received another offer for the vacant lot on Dalhart Drive. The buyer previously offered \$10,000 for the lot and the township board authorized a counter offer of \$30,000. The most recent offer is \$12,000. After a brief discussion, the board agreed to counter the offer.

Motion to authorize a counter offer of \$22,000 for parcel 06-11-529-018 (Vacant Lot on Dalhart Drive Thompson Road), as presented.

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

Motion carried.

**BOARD COMMENT:**

Trustee Goupil thanked the residents in attendance for coming to the meeting and providing input on issues.

Clerk Krug reminded the board and public that the Fenton Township Fire Department is hosting an open house at Fire Station No.2 this Sunday 10/8/17 from 11:00am-3:00pm.

Clerk Krug also reported that work on the installation of fencing for the dog park would begin Wednesday 10/4/17.

**PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:**

None

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**CLOSED SESSION:**

Motion to recess the open meeting for the purpose of convening a closed session to discuss pending litigation issues.

Motion by: Goupil

Seconded: Lorraine

Ayes: Mathis, Krug, Goupil, Lorraine

Nays: None

Absent: Tucker, Kesler, Shumaker

Motion carried. The meeting was recessed at 8:20 p.m.

The regular meeting was reconvened at 8:40 p.m.

**ADJOURN:** Meeting adjourned at 8:40 p.m.

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 10/3/17**