

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JULY 23, 2018**

**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, Shumaker, Attorney Doyle and
Operations Manager Broecker.

Absent: Lorraine

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 7/23/18 Fenton Township Board Meeting agenda as presented.

Motion by: Tucker

Seconded: Shumaker

Ayes: All Present

Nays: None

Absent: Lorraine

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 7/9/18 regular meeting stand approved as presented.

EXPENDITURES:

Treasurer Tucker questioned a payment for refund of sewer fees. Supervisor Mathis explained that a property owner brought to the township's attention that they were being billed for sewer use on a building that was torn down several years ago. Supervisor Mathis authorized a refund of three years of sewer fees. Motion to approve invoices and expenditures for all funds totaling \$1,002,031.94 for payment as presented.

Motion by: Tucker

Seconded: Kesler

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

Nays: None

Absent: Lorraine

Motion carried.

PUBLIC HEARINGS:

**Proposed Street Improvement Special Assessment District - Four Lakes Avenue,
West Four Lakes Drive, Sadler Drive, Squaw Lake Drive & Isleview Drive; 1st
Hearing**

Supervisor Mathis opened a public hearing on the creation of a special assessment district for street improvements on Four Lakes Avenue, West Four Lakes Drive, Sadler Drive, Squaw Lake Drive and Isleview Drive. The total estimated cost of the project is approximately \$186,600.00. The board will accept public comment on 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

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Treasurer Tucker requested that he be allowed to abstain from voting on this issue. He lives in the proposed special assessment district, which creates a conflict of interest.

Motion to allow Treasurer Tucker to abstain from voting on any issues relating to the proposed Four Lakes Street Improvement Special Assessment District, due to a conflict of interest.

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

Motion carried.

Clerk Krug read two letters of protest into the record. One from property owner Alice Farah and one resident of Crystal Cove Court that did not provide his/her name.

Public comment:

Mark Shantz, 4140 Four Lakes Avenue

Mr. Shantz stated that over 60% of the properties in the proposed district signed petitions. With the exception of Crystal Cove Court, the majority of property owners that did not sign a petition were vacant lots or absentee owners. The petitions meet the legal requirement and the roads do need to be improved. Delaying the project may require more extensive work and higher costs. This is the right time for the improvement.

Lee Martorana, 4180 Four Lakes Avenue

Ms. Martorana noted that property owners on West Four Lakes Drive, Sadler Drive, Squaw Lake Drive and Islevue Drive all must use Four Lakes Avenue to get to their properties. She questioned why the properties on these streets are not paying for their own street, plus a share of the Four Lakes Avenue cost. Operations Manager Broecker clarified that this hearing is for the creation of the special assessment district, not the amount of assessments. That being said, the costs are proposed to be assessed as a single project, with properties fronting the improvement assessed one "share" and benefitting properties not fronting the improvement assessed something less. The final determination of assessments will be the subject of the second hearing, if the special assessment district is approved.

Mike Miller, 4266 Crystal Cove Court

Mr. Miller stated that he would like to have had their street included in the project. Then he would have no issue paying his share. He doesn't feel he should have to pay for improvements to other streets.

Curtis Hissong, 4275 Crystal Cove Court

Mr. Hissong stated that not all property owners were notified of the neighborhood meetings regarding the project. He would like to submit petitions from neighbors requesting to be removed from the assessment district. Attorney Doyle clarified that any such petition would have to include more than 50% of the frontage of the entire district.

Mark Shantz, 4140 Four Lakes Avenue

Mr. Shantz stated the process has been ongoing for 1½ years. He added that neighborhood meetings were communicated primarily through social media, which may not have reached everyone. The proposed district includes the same properties as the existing private road maintenance special assessment district. When a request was made

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to add Crystal Cove Court to the project, the petition process was well under way and any change would have required starting over and pushing the project into next year.

Supervisor Mathis closed the public hearing.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2018-16

WHEREAS, the township board of the Charter Township of Fenton received petitions signed by more than 50% of the total road frontage of the proposed special assessment district described hereinafter, and accordingly, determined to proceed under the provisions of PA 188 of 1954, as amended, to secure plans and estimates of cost together with a proposed special assessment district for assessing the costs of the proposed street 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 the 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 23rd day of July 2018 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;

NOW, THEREFORE, BE IT RESOLVED as follows:

- 1. That this township board does hereby determine that the petitions for the Four Lakes Street Improvement Special Assessment District were properly signed by the record owners of land whose road frontage constitutes more than 50% of the total road frontage upon the proposed special assessment district.*
- 2. That this township board does hereby approve the plans for street improvements on Four Lakes Avenue, West Four Lakes Drive, Sadler Drive, Squaw Lake Drive and Isleview Drive, and the estimate of costs for the completion thereof of \$186,570.93, (not including financing or administrative costs).*
- 3. That this township board does hereby create, determine and define as a special assessment district to be known as the Four Lakes Street Improvement Special Assessment District, within which the costs of such improvements shall be assessed according to the benefits, the following described area within said township:*

All properties with frontage on Four Lakes Avenue, West Four Lakes Drive, Sadler Drive, Squaw Lake Drive, Isleview Drive, Crystal Cove Court and Emerald Pointe

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4. *That on the basis of the foregoing, this 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 which amount shall be the relative portion of the whole sum to be levied against the parcels of land in the special assessment district as the benefit to the parcel of land bears to the total benefit to all parcels of land in the special assessment district. When the same has been completed, the Supervisor or 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.*
5. *That all resolutions and parts of resolutions insofar as they conflict with the provisions of the within resolution be and the same are hereby rescinded.*

Motion to adopt Resolution No. 2018-16 as presented.

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

Motion carried. Resolution declared adopted.

Supervisor Mathis stated that, in anticipation 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. 2018-17

WHEREAS, the Supervisor and assessing officer of the 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 \$200,071.38 covering all parcels of land in the Four Lakes Street Improvement Special Assessment District according to the relation of the benefit to each parcel of land to the total benefit to all parcels of land in such special assessment district, and has affixed thereto her certificate as required by said resolution;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. *That said special assessment roll shall be filed with the Township Clerk and shall be available for public examination during regular working hours of regular working days from the present date until the public hearing upon the same and shall further be examined at such public hearing.*
2. *That the Fenton Township Board shall meet at 7:30 p.m. on August 6, 2018 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.*
3. *That the Township Clerk shall cause notice of such hearing and the filing of such assessment roll to be published twice in the Tri-County Times, a newspaper of general*

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circulation in the township 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 Four Lakes Street 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.

4. *All resolutions and parts of resolutions insofar as they conflict with the provisions of the within resolution are hereby rescinded.*

Motion to adopt Resolution No. 2018-17 as presented.

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

Motion carried. Resolution declared adopted.

REPORTS:

APM Mosquito Control – Mid-Year Report

The board briefly reviewed the mid-year report from APM Mosquito Control.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Appointment to Fenton Township Planning Commission

Supervisor Mathis noted that there has been a vacancy on the Planning Commission since Scott Hemeyer's term ended on May 31st. One of Mr. Hemeyer's colleagues at Rowe Professional Services, Justin Westbrook, has applied for the position. Mr. Westbrook has experience in civil engineering and will make a fine addition to the Planning Commission.

Treasurer Tucker noted that he met Mr. Westbrook at recent Planning Commission meetings and also feels he would be an excellent Planning Commissioner.

Trustee Shumaker suggested that the board have the opportunity to ask Mr. Westbrook questions before making the appointment. Mr. Westbrook introduced himself to the board. Trustee Shumaker asked Mr. Westbrook his opinion on following the Master Plan when making planning decisions. Mr. Westbrook stated that he believes the Master Plan should guide all planning decisions and recognizes that deviating from the plan can create problems.

Motion to appoint Justin A. Westbrook to the Fenton Township Planning Commission for the term ending May 31, 2019.

Motion by: Mathis

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

**Resolution No. 2018-18, Street Improvement Special Assessment District for
Dartmouth Drive**

Operations Manager Broecker stated that the board adopted a resolution in September 2017 to create the Dartmouth Drive Street Improvement Special Assessment District. The Genesee County Road Commission (GCRC) designed the road paving project, including drainage improvements, and solicited bids in June. The bids were opened on July 9, (a copy of bid tabulation is included in the packet). The low bid was approximately 65% over the GCRC estimate. Because the revised cost exceeds the previous estimated cost by more than 10%, PA 188 requires the board to hold a hearing to give property owners an opportunity to provide input on whether or not the project should move forward. If it is determined to move forward, that same hearing can include a review and confirmation of the special assessment roll. Clerk Krug presented the following resolution:

RESOLUTION NO. 2018-18

WHEREAS, the Supervisor and assessing officer of the 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 \$165,756.00 covering all parcels of land in the Dartmouth Drive Street Improvement Special Assessment District according to the relation of the benefit to each parcel of land to the total benefit to all parcels of land in such special assessment district, and has affixed thereto her certificate as required by said resolution, and

WHEREAS, the total cost in said special assessment roll exceed the previous estimated cost by more than ten percent (10%), and

WHEREAS, Public Act 188 of 1954, as amended, requires that, if an actual incremental cost increase exceeds the estimate costs by 10% or more, notice shall be given and a hearing afforded to the record owners of property to be assessed;

NOW, THEREFORE, BE IT RESOLVED as follows:

- 5. That said special assessment roll shall be filed with the Township Clerk and shall be available for public examination during regular working hours of regular working days from the present date until the public hearing upon the same and shall further be examined at such public hearing.*
- 6. That the Fenton Township Board shall meet at 7:30 p.m. on August 6, 2018 at the Fenton Township Civic Community Center located at 12060 Mantawauka Drive, within the township, to:*
 - a. Receive comment from property owners in the special assessment district regarding the continuation of the project given the increase in costs.*
 - b. Review the special assessment roll and hear any objections thereto.*

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7. *That the Township Clerk shall cause notice of such hearing and the filing of such assessment roll to be published twice in the Tri-County Times, a newspaper of general circulation in the township 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 Dartmouth Drive Street 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.*
8. *All resolutions and parts of resolutions insofar as they conflict with the provisions of the within resolution are hereby rescinded.*

Motion to adopt Resolution No. 2018-18 as presented.

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

Motion carried. Resolution declared adopted.

Fenton Township Master Plan Update - Approve Draft Plan for Review Period

Supervisor Mathis reported that the Fenton Township Planning Commission has completed the development and review of the Fenton Township Master Plan Update Draft, and is formally recommending that the Fenton Township Board approve distribution of the Master Plan draft for the required 63-day review and comment period.

Treasurer Tucker noted that the process has been very interesting with a lot of meetings and public input. The draft plan includes significant changes from previous plans, including designating a large portion of the Thompson Road area as mixed use development, and provisions for “tiny” homes.

Clerk Krug noted that other concepts are being addressed in the plan, including urban agriculture.

Motion to approve for distribution and review the draft of the ***Fenton Township Community Master Plan 2018*** pursuant to Section 41 (MCL 125.3841) of Public Act 33 of 2008; known as the Michigan Planning Enabling Act.

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

Motion carried.

Proposed Amendments to 2018 Fenton Township Budget

Operations Manager Broecker reviewed proposed amendments to the 2018 General Fund Budget. The only significant changes are proposed increases to State Revenue Sharing, based on current Treasury Department projections. All other proposed amendments are relatively minor. The total impact of the amendments is an increase in the projected surplus from \$50,000.00 to \$81,000.00. There are no proposed amendments for any of the other funds.

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Motion to adopt amendments to the 2018 Fenton Township Budget, as presented.

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

Motion carried.

Proposed Sale of Tax-Reverted Property

The board reviewed a letter from Fenton Township resident Robert Pattison. He is interested in purchasing a small, landlocked parcel of land of which the township took ownership in 2015 through property tax reversion. Mr. Pattison formerly owned the subject property, which is adjacent to several other parcels he currently owns. Operations Manager Broecker confirmed that the carrying cost of the property for the township, including current property taxes owed, is \$6.84.

Motion to approve the sale of parcel 06-11-530-029 to Robert Pattison for the price of \$10.

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

Motion carried.

Sale of Township Owned Vehicle

Operations Manager Broecker reported that the 2004 Chevrolet Silverado Pickup listed on Municibid received more than seven bids, with a high bid of \$5,500.00 He recommended approval of the sale to the high bidder, Wayne Arena.

Motion to approve the sale of a 2004 Chevrolet Silverado pickup truck, in "as-is" condition, to Wayne Arena for a price of \$5,500.00.

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

Motion carried.

BOARD COMMENT:

Supervisor Mathis, in response to an issue brought up at the 7/9/18 meeting, stated that the oil change facility property on Thompson Road had not been advertised for lease because the building has basically been gutted. There is no equipment in the building, but there are several empty oil containers. After a brief discussion, the board agreed to have the township's realtor advertise the property for lease and accept proposals for use, subject to township board approval.

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

The following individuals made comment and/or asked questions regarding the Fenton Township Fire Chief and fire department operations.

Angela Crowley

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Tod Shull,
Nathan Ferris,
Audra Warner

Attorney Doyle stated the board cannot comment at this time. Answers will be made available when appropriate.

Marvin Jennings
Mr. Jennings introduced himself as a candidate for Circuit Court Judge. He would appreciate the board's support.

ADJOURN: Meeting adjourned at 9:15 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 07/24/18