

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF DECEMBER 17, 2018**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Clerk Krug called the meeting to order at 7:30 p.m.

Present: Krug, Tucker, Goupil, Shumaker, Attorney Belzer and Operations Manager
Broecker.

Absent: Mathis, Kesler, Lorraine

OPENING PRAYER / PLEDGE OF ALLEGIANCE:

Trustee Goupil offered the opening prayer. Clerk Krug led the pledge of allegiance to the flag.

APPOINTMENT OF TEMPORARY CHAIRMAN

Clerk Krug stated that, in the absence of the Supervisor, a temporary chair must be appointed.

Motion to appoint Clerk Krug as temporary chairman.

Motion by: Tucker

Seconded: Goupil

Ayes: All Present

Nays: None

Absent: Mathis, Kesler, Lorraine

Motion carried.

APPROVAL OF AGENDA:

Motion to approve the 12/17/18 Fenton Township Board Meeting agenda as presented.

Motion by: Shumaker

Seconded: Tucker

Ayes: All Present

Nays: None

Absent: Mathis, Kesler, Lorraine

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 11/28/18 special meeting, the 12/3/18 regular meeting and the 12/10/18 special meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$507,930.83 for payment as presented.

Motion by: Tucker

Seconded: Shumaker

Ayes: Krug, Tucker, Goupil, Shumaker

Nays: None

Absent: Mathis, Kesler, Lorraine

Motion carried.

PUBLIC HEARINGS:

None

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REPORTS:

None

COMMUNICATIONS:

Letter - Shop with a Hero Program

The board reviewed a letter from former Fenton Township firefighter Lee Osborn criticizing Fire Chief Volz for not allowing the Fenton Township Firefighters Association to use a township fire truck at their annual "Shop with a Hero" charity event. Attorney Belzer clarified that the association is a separate entity and not part of the township. While the association's charitable efforts are commendable, it would be inappropriate to have township-owned vehicles or equipment involved. Chief Volz was correct not to allow it.

Treasurer Tucker stated he is not necessarily opposed to having a fire truck at community events, but would leave that up to the Fire Chief.

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Proposed Solid Waste Collection Agreement - Republic Services

Operations Manager Broecker reported that a Request for Proposals (RFP) was issued in September for a new 4-year solid waste collection services contract. A total of two proposals were received, with Republic Services submitting the lowest cost proposal. The board reviewed a proposed 4-year agreement with Republic Services to continue residential solid waste collection and disposal services. The average cost over the four-year period is approximately \$177 per household per year. The special assessment was approved at \$180 to allow for additional fees that may be imposed by state law.

Trustee Shumaker expressed concern over the increased cost. The last contract increased our cost, but reduced service levels by going to every-other-week recycling. This contract is a significant increase to our taxpayers.

Public comment:

Kelly Phillips, 1528 Eden Gardens Drive

Ms. Phillips stated that every-other-week recycling works fine for her, but understands that others have more volume.

Motion to approve the 2019-2022 solid waste collection agreement with Tri-County Refuse Service Inc., dba Republic Services of Flint, as presented.

Motion by: Tucker

Seconded: Goupil

Ayes: Krug, Tucker, Goupil

Nays: Shumaker

Absent: Mathis, Kesler, Lorraine

Motion carried.

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Proposed 2019 Local Road Projects

Chairman Krug noted that, as in prior years, the board is tentatively scheduled to conduct a public hearing at the 1/21/19 meeting to obtain input for potential local road improvement projects. The township has learned that 2019 Genesee County Road Commission (GCRC) projects will be prioritized based on when they are approved by the local units and submitted to GCRC. Lawrence Engineering is therefore recommending that the board consider approving two local road projects immediately to place them at or near the top of the priority list.

The proposed projects are for limestone resurfacing of Sharp Road from Lahring to Ray Road, and Smith Road from Hogan Road to the township border. By applying a portion of the township's 50/50 funding allocation, the net estimated cost to the township for both projects combined is \$77,566.59. This amount is approximately 26% of the approved 2019 road budget of \$300,000, leaving sufficient funds for additional projects.

Motion to approve the limestone resurfacing of Sharp Road from Lahring Road to Ray Road and Smith Road from Hogan Road to the westerly Fenton Township boundary, as presented.

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

Motion carried.

Appointments to Fenton Township Board of Review

Chairman Krug reported that the term of all three members of the Fenton Township Board of Review will expire on December 31, 2018. Bev McKenna, John Brancheau and Randy Laue have all done an outstanding job on the Board of Review and all three have expressed a desire to be re-appointed. Supervisor Mathis has recommended that all three be re-appointed to 2-year terms. There was no further discussion.

Motion to re-appoint Beverly J. McKenna to the Fenton Township Board of Review for the term ending December 31, 2020.

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

Motion carried.

Motion to re-appoint John A. Brancheau to the Fenton Township Board of Review for the term ending December 31, 2020.

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

Motion carried.

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Motion to re-appoint Scott R. (“Randy”) Laue to the Fenton Township Board of Review for the term ending December 31, 2020.

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

Motion carried.

Appointment of Representatives – Genesee County Metropolitan Alliance

Chairman Krug reported that the Genesee County Metropolitan Alliance requires member communities to appoint or re-appoint one elected representative, one citizen representative and one alternate each year. For the 2018 the elected representative has been Trustee Goupil, the citizen representative has been Andy Marko and the alternate has been Trustee Kesler. The board now needs to appoint representatives for 2019.

Motion to appoint Trustee Kesler as the elected representative, Andrew Marko as the citizen representative and Trustee Lorraine as the alternate representative for Fenton Township on the Genesee County Metropolitan Alliance for 2019.

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

Motion carried.

Resolution No. 2018-45, Schedule Public Hearing for Dartmouth Drive Street Improvement Special Assessment District

Operations Manager Broecker reminded the board that, based on input from property owners, the Fenton Township Board earlier this year rejected the bids for the Dartmouth Drive special assessment project and directed the Genesee County Road Commission (GCRC) to re-bid the project for 2019 construction. This was done with the hope that bids obtained over the winter would reduce the cost of the project. GCRC did indeed re-bid the project and the low bid was \$141,689. While this bid is still 39% over the engineer’s estimate, it was lower than the previous low bid of \$165,756. Because the revised cost exceeds the original 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. A resolution has been prepared to schedule the public hearing. Operations Manager Broecker presented the following resolution:

RESOLUTION NO. 2018-45

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 \$141,689.19 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

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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:

- 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 January 7, 2019 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.*
- 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 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.*
- 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. 2018-45 as presented.

Motion by: Tucker

Seconded: Krug

Ayes: Krug, Tucker, Goupil, Shumaker

Nays: None

Absent: Mathis, Kesler, Lorraine

Motion carried. Resolution declared adopted.

Proposed Amendments to 2018 Fenton Township Budget

Operations Manager Broecker reviewed proposed amendments to the 2018 budget.

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General Fund

The General Fund budget is projecting a surplus of approximately \$172,000, with \$50,000 of that to be set aside for the Hogan Road bridge project in 2021. Significant amendments include:

- Building Permit revenue increased due to continued high volume of new construction.
- Increased legal fees.
- Inspection contracted services increased due to increased new construction volume.
- Road related expenses decreased due to lower than budgeted road project costs.
- OPEB expense increased to maintain the liability funding percentage at or near 50%.
- The operating transfer to the Sewer Fund was not necessary due to cash flow improvements in the Sewer Fund.

Fire Fund

The budget for the Fire Fund shows a deficit of approximately \$207,000, due to the purchase of new vehicles in 2018. Actual numbers are expected to result in a surplus of \$10-20,000. There are only a few minor changes to the budgeted amounts.

Dog Park Fund

The Dog Park Fund budget remains balanced, with only minor changes.

Solid Waste Management Fund

The Solid Waste Fund is projecting a deficit of approximately \$36,000 this year. 2018 is the final year of a 4-year contract. The assessments were based on a 4-year average so the first two years resulted in surpluses, which are spent during the second two years. The budget for both revenues and expenses are being adjusted to match actual projections.

Mosquito Control Fund

The only proposed budget amendments for the Mosquito Control Fund are small increases to revenues, however the actual expense will be about \$24,000 under budget. This will leave a significant surplus in this fund and the Township should be able to keep the assessment at a reduced level again in 2019.

Sewer Fund

Cash flows have improved considerably in 2018 due to an increase in new connections and a reduction in debt service expense. The pump station upgrade project has also reduced maintenance and emergency call expenses, however that was somewhat offset by contracted services and emergency call expenses related to heavy rainfalls, power outages and quarterly wet well cleanings. Projections for a few of the major expense categories are being adjusted to match actual numbers.

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

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

Motion carried.

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Resolution No. 2018-46, Honoring Retired Firefighter Scott Cole

Chairman Krug noted that the board accepted at the 12/3/18 meeting the resignation of Lieutenant Scott Cole, who has retired after 20 years of service on the Fenton Township Fire Department. A resolution has been prepared to honor Mr. Cole for his years of service. Operations Manager Broecker presented the following resolution:

RESOLUTION NO. 2018-46

WHEREAS, Scott C. Cole recently retired from the Fenton Township Fire Department, and

WHEREAS, Mr. Cole has been a resident of Fenton Township for many years, during which time he has contributed greatly to the overall public safety of the community as a firefighter and officer on the Fenton Township Fire Department, and

WHEREAS, Mr. Cole served loyally and faithfully as a member of the Fenton Township Fire Department from 1998 to 2018, rising to the rank of Lieutenant during his 20-year tenure, and demonstrating great leadership throughout his years of service;

NOW, THEREFORE, BE IT RESOLVED, that the Township Board of the Charter Township of Fenton hereby recognizes Scott C. Cole for his valuable contributions to the Fenton Township Fire Department and our community in general, expresses sincere appreciation and gratitude for 20 years of dedicated service to the government and citizens of Fenton Township, and wishes him well in all future endeavors, and

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the minutes of this meeting and a copy provided to Mr. Cole.

Motion to adopt Resolution No. 2018-46 as presented.

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

Motion carried. Resolution declared adopted.

Township Board Resignation

The board reviewed a letter from Trustee Shumaker formally resigning from the township board so that he may be sworn in as the new Commissioner in Genesee County District No. 6. Trustee Shumaker stated he is grateful for the opportunity to serve the residents of Fenton Township and looks forward to doing the same at the county level of government.

Motion to accept the resignation of Trustee Shaun Shumaker, effective December 31, 2018.

Motion by: Shumaker
Seconded: Goupil
Ayes: Krug, Goupil, Shumaker
Nays: Tucker
Absent: Mathis, Kesler, Lorraine

Motion carried.

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Resolution No. 2018-47, Honoring Trustee Shaun Shumaker

Supervisor Mathis stated that a resolution has been prepared to honor Trustee Shumaker his years of service on the township board. Clerk Krug presented the following resolution:

RESOLUTION NO. 2018-47

WHEREAS, Shaun P. Shumaker is stepping down from his position as Fenton Township Trustee to assume the office of Genesee County Commissioner as of January 1, 2019, and

WHEREAS, Mr. Shumaker has been a resident of Fenton Township for many years, during which time he has contributed greatly to the progress and welfare of the community, most notably as a member of the Fenton Township Board and the Southern Lakes Parks & Recreation Board of Directors, and

WHEREAS, Mr. Shumaker served loyally and faithfully as a Township Trustee from 2012 through 2018, and as a Fenton Township representative on the Southern Lakes Parks & Recreation Board of Directors from 2013 through 2018, demonstrating the qualities of vision and leadership throughout his tenure as an elected official;

NOW, THEREFORE, BE IT RESOLVED, that the Township Board of the Charter Township of Fenton hereby recognizes Shaun P. Shumaker for his valuable contributions to our community, expresses sincere appreciation and gratitude for his dedicated service to the government and citizens of Fenton Township, and wishes him well in his new position as Commissioner for Genesee County's 6th District;

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the minutes of this meeting and a copy provided to Mr. Shumaker.

Motion to adopt Resolution No. 2018-47 as presented.

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

Motion carried. Resolution declared adopted.

Sale of Tax-Reverted Property - Purchase Agreement Amendment

Treasurer Tucker explained that he has been working with realtor Ed Constable to resolve issues related to the Fenton Orchards condominium units owned by Fenton Township. In the meantime, the buyer has requested an amendment to the purchase agreement to extend the due diligence period to 12/31/18.

Motion to approve the purchase agreement amendment for the sale of Fenton Orchards condominium units, as presented.

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

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Absent: Mathis, Kesler, Lorraine
Motion carried.

BOARD COMMENT:

The board briefly discussed the open Trustee position. A special meeting will be scheduled in January to review candidates and determine a course of action.

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

Elaine Kinsman, 13277 Golden Circle

Ms. Kinsman asked if there was any progress in resolving the issues relating to the parking of recreational vehicles and commercial vehicles in her neighborhood. Attorney Belzer stated that he is working on an ordinance that may help the situation.

Kelly Phillips, 1528 Eden Gardens Drive

Ms. Phillips is concerned with the recently adopted ordinance that limits the number of cats one can own. She is a licensed caregiver who captures feral cats to be neutered. To be a part of this program, participants are required to provide shelter and food for the feral cats. This results in the cats staying in the area, but she doesn't "own" the cats. She has been advised by the Township's Ordinance Enforcement Officer that she is in violation of the ordinance. After considerable discussion, the board agreed that this issue required further study.

ADJOURN: Meeting adjourned at 8:47 p.m.

Robert Krug, Chairman Pro-Tem

Thomas Broecker, Deputy Clerk

Minutes Posted 12/18/18