

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF NOVEMBER 4, 2019**

**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, Lorraine, Reid, Attorney Belzer and
Operations Manager Broecker.

Absent: Kesler

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 11/4/19 Fenton Township Board Meeting agenda as presented.

Motion by: Goupil

Seconded: Reid

Ayes: Mathis, Krug, Tucker, Goupil, Lorraine, Reid

Nays: None

Absent: Kesler

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 10/21/19 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$436,888.62 for payment as presented.

Motion by: Lorraine

Seconded: Tucker

Ayes: Mathis, Krug, Tucker, Goupil, Lorraine, Reid

Nays: None

Absent: Kesler

Motion carried.

PUBLIC HEARINGS:

Proposed Street Improvement Special Assessment District - Margaret Drive & Ruth Drive

Supervisor Mathis convened a public hearing for a proposed special assessment district for the resurfacing of Margaret Drive and Ruth Drive. The total estimated cost of the project is \$1,425,000.00.

The Township Board will accept public comment regarding 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 preliminary plans for the improvement
5. The estimated costs for the improvement

Public comment:

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The following individuals commented on the proposed special assessment district:

Carol Wyman
Dave Brodie
Paul Cavanaugh
Virginia Abraham
Bob Simpson
Mike Davidson
Victor Shepherd
Donna Warren
John Ploucha
Paula Manzardo
Robert Wagner
Pam Handley
Jeff Shoemaker
Eric Morse
Amy Krug
Alice Shepherd

Those commenting in support of the project stated that the streets are in very poor condition and asphalt resurfacing is badly needed.

Concerns raised included:

- How the costs will be assessed.
- The need for ditches and/or curb & gutter.
- Not enough information available when the petition was circulated.
- Landscaping and sprinkler systems may be impacted by construction.
- Can property owners remove their name from the petition?

Treasurer Tucker stated that the Township is merely a conduit for these types of projects. The board wants to do what a majority of the property owners want. He also noted that over 61% of the frontage is represented on the petition, which is a significant majority for this type of special assessment project. He also emphasized that that the method of assessing the costs is not a topic of this public hearing. If the project is approved, the method of assessment is determined when the special assessment roll is confirmed.

Attorney Belzer suggested that the hearing could be continued at a future meeting. Property owners could submit letters or petitions opposing the project. If the board feels a majority of the property owners are now opposed to the project, the special assessment process could be halted.

Trustee Lorraine suggested having more information available when petitions are provided to reduce the amount of confusion regarding potential special assessments.

After considerable discussion, Clerk Krug suggested continuing the public hearing at the second December meeting. This will give property owners time to better understand the process and decide if they want to move the project forward.

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Motion to continue the public hearing regarding a proposed street improvement special assessment district for Margaret Drive and Ruth Drive at the 12/16/19 Fenton Township Board meeting.

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

Motion carried.

REPORTS:

Public Safety Update

Trustee Goupil reported the new Pierce fire truck arrived last week. It should be in service within the next several days.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

Proposed Zoning Ordinance Amendment - Wellhead Protection Zone / 2nd Reading

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to add language relating to a wellhead protection zone. When the proposed ordinance was introduced at the 10/21/19 meeting, Zoning Administrator Mike Deem explained that the area of influence for the wellheads includes portions of the township and the intention is to protect those areas from inappropriate land use. The ordinance was developed by following the best practices of the DEQ (now EGLE). There was no further discussion.

Motion to adopt Ordinance No. 811, an amendment to Zoning Ordinance No. 594 to add provisions regarding a wellhead protection zone, as presented.

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

Motion carried. Ordinance declared adopted.

Proposed Amendment to Sign Regulation Ordinance / 2nd Reading

Supervisor Mathis reviewed a proposed amendment to the Sign Regulation ordinance to revise language relating to billboard signs. When the proposed ordinance was introduced at the 10/21/19 meeting, Zoning Administrator Mike Deem explained that, after recommendations from billboard companies and an extensive review by the Planning Commission, the proposed amendment addresses the following:

- Sign area
- Setbacks
- Limiting the number of billboards permitted
- Regulations for electronic billboards
- Removal of existing billboards

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It was further explained that the amendment, as proposed, would limit the number of digital billboards to two. The proposed regulations conform to industry standards and existing state regulations.

Motion to adopt Ordinance No. 812, an amendment to Sign Regulation Ordinance No. 693 to revise language related to billboard signs, as presented.

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

Motion carried. Ordinance declared adopted.

Proposed Ordinances for Township Insurance and Retirement Plans / 2nd Reading

Operations Manager Broecker reviewed the five proposed ordinances, which were introduced at the 10/21/19 meeting. He stated that the individual ordinances authorizing the insurance and retirement plan benefits provided to Township officials and employees are in need of revision to reflect changes to those plans. The proposed ordinances relate to the following plans:

- Group Health Care Insurance
- Life Insurance
- Disability Insurance
- Pension Plan
- Deferred Compensation Plan

The language in each ordinance is modeled after sample ordinance language provided by the Michigan Township's Association.

Treasurer Tucker questioned the language in the health care ordinance relating to post-retirement health insurance. He would like to review and possibly revise the language to make it as clear as possible. The board agreed to delay action on this ordinance until the next meeting. There were no concerns with the other four proposed ordinances.

Motion to adopt Ordinance No. 813, a revised Life Insurance Plan Ordinance, as presented.

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

Motion carried. Ordinance declared adopted.

Motion to adopt Ordinance No. 814, a revised Disability Insurance Plan Ordinance, as presented.

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

Motion carried. Ordinance declared adopted.

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Motion to adopt Ordinance No. 815, a revised Pension Plan Ordinance, as presented.

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

Motion carried. Ordinance declared adopted.

Motion to adopt Ordinance No. 816, a Deferred Compensation Plan Ordinance, as presented.

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

Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Proposed Hiring to Fill Open Position

Operations Manager Broecker reported that he recently conducted interviews for the position opening created by the retirement of Leeandra "Andy" Badgley. While he was very impressed with the caliber of several of the applicants, his recommendation to fill this position is Lisa Lawrence. Ms. Lawrence has extensive experience working in various office settings and Mr. Broecker believes she will be an excellent addition to the township staff.

Motion to approve the hiring of Lisa Lawrence to fill the full-time position of Receptionist/Election Assistant, as presented.

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

Motion carried.

Appointments to the Fenton Township Zoning Board of Appeals

Supervisor Mathis reported that the terms of ZBA members Jim Cady, K.C. Baran and Michele Spear will expire on 11/30/19. All three have done an excellent job on the ZBA and each has indicated a desire to be re-appointed. She recommends that Mr. Cady, Mr. Baran and Ms. Spear each be re-appointed to 3-year terms.

Trustee Lorraine, as the Township Board representative on the ZBA, supports recommendation. He agrees that all three are outstanding ZBA members.

Motion to re-appoint James R. Cady to the Fenton Township Zoning Board of Appeals for the term ending November 30, 2022.

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

Motion carried.

Motion to re-appoint K.C. Baran to the Fenton Township Zoning Board of Appeals for the term ending November 30, 2022.

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

Motion carried.

Motion to re-appoint Michele K. Spear to the Fenton Township Zoning Board of Appeals for the term ending November 30, 2022.

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

Motion carried.

Resolution No. 2019-50, Request to Assume Ownership & Maintenance of Type I Water Supply - Pheasant Run

Operations Manager Broecker reported that the Pheasant Run residential complex off Fenton Road is under new ownership. This complex is served by a private type 1 well system that provides water to their residents. Because the property has changed ownership, state law requires that they offer the ownership of and operation/maintenance responsibilities for the water system to the local unit of government. The past practice of the township board has been to decline such offers since we do not currently own or maintain any water systems within the Township. Mr. Broecker recommended that the township board continue this practice and decline ownership of this system. The new owner is perfectly willing and able to continue operation and maintenance of the system under a permit from the Michigan Department of Environment, Great Lakes and Energy (EGLE). A resolution has been prepared to formally decline ownership of the water system. Clerk Krug presented the following resolution:

RESOLUTION NO. 2019-50

WHEREAS, WCG Pheasant Run LLC owns and operates a drinking water system serving the Pheasant Run residential complex located at 1500 North Towne Commons Boulevard, Fenton, Michigan 48430, Section 24, T5N R6E, and

WHEREAS, WCG Pheasant Run LLC possesses the ability and willingness to continue effective operation and maintenance of said system, and

WHEREAS, the Charter Township of Fenton recognizes the need for effective and continued operation and maintenance of said system to protect the public health, and

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WHEREAS, the Charter Township of Fenton deems it impractical for the Township to own, operate and administer this particular drinking water supply located on the premises of Pheasant Run;

NOW, THEREFORE, BE IT RESOLVED, that the Charter Township of Fenton hereby declines to accept ownership of or operation, maintenance and administrative responsibilities for said particular drinking water supply. The Charter Township of Fenton endorses the application of WCG Pheasant Run LLC to continue these responsibilities under state permit.

Motion to adopt Resolution No. 2019-50 as presented.

Motion by: Goupil

Seconded: Tucker

Ayes: Mathis, Krug, Tucker, Goupil, Lorraine, Reid

Nays: None

Absent: Kesler

Motion carried. Resolution declared adopted.

PA 152 Compliance (Health Insurance Costs) - Selection of 2020 Compliance Method

The board reviewed the requirements of the **Publicly Funded Health Insurance Contribution Act** (PA 152 of 2011), which places limits on how much a public employer can pay toward employee healthcare.

There are three options for PA 152 compliance. The default option is that employers cannot pay more than the prescribed "hard caps" established by the State of Michigan. The hard caps for 2020 are \$6,818.87 for single, \$14,260.37 for 2-person and \$18,596.96 for family coverage. The second option is a flat 80/20 cost sharing arrangement where the employer pays no more than 80% of the total cost. The third option is to opt out of the requirement altogether. A 2/3 majority vote of the township board is required to choose the 80/20 option or to opt out.

For 2012 through 2019, the township board selected the 80/20 cost sharing option to comply with this statute. These approvals were each effective for one year and the board needs to review this decision annually.

The 80/20 option is again recommended for 2020. A flat percentage is the most equitable approach for all employees, and it will be more easily adaptable if the township changes plans in the future.

Trustee Lorraine asked if alternate plans were considered. Operations Manager Broecker stated that several alternative plans were reviewed, however the only ones that would save money for the township would result in either reduced benefits and/or higher costs for the employees. The current collective bargaining agreement requires that the union must agree to any change in plan, therefore the existing plan was renewed. The possibility of offering a second, alternate plan will be investigated.

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Motion to continue the optional 80/20 rules for 2020 to comply with the Publicly Funded Health Insurance Contribution Act, Public Act 152 of 2011.

Motion by: Tucker

Seconded: Krug

Ayes: Mathis, Krug, Tucker, Goupil, Lorraine, Reid

Nays: None

Absent: Kesler

Motion carried.

BOARD COMMENT:

None

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

None

ADJOURN: Meeting adjourned at 9:41 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 11/05/19