

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF DECEMBER 21, 2020**

**MEETING HELD ELECTRONICALLY VIA ZOOM
PER MICHIGAN PUBLIC ACT 228 OF 2020**

Supervisor Lorraine called the meeting to order at 7:30 p.m.

OPENING PRAYER:

Trustee Goupil offered the opening prayer.

ROLL CALL:

Clerk Krug called the roll.

Present: Lorraine, Krug, Tucker, Goupil, Katrak, Kesler, Reid

Absent: None

Also Present: Attorney Belzer, Operations Manager Broecker, Fire Chief Volz, Township Engineer Allen Lawrence

APPROVAL OF AGENDA:

Supervisor Lorraine advised that Mr. Trecha had requested postponement of the Eagle Scout resolution to the 1/4/21 meeting so that Breanna would be able to attend the virtual meeting. Motion to approve the 12/7/20 Fenton Township Board Meeting agenda as amended.

Motion by: Tucker

Seconded: Reid

Ayes: Lorraine, Krug, Tucker, Goupil, Katrak, Kesler, Reid

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 12/7/20 regular meeting and the 12/14/20 special meeting stand approved as presented.

EXPENDITURES:

Treasurer Tucker questioned the invoice from Gil-Rich Cooling and Heating. Operations Manager Broecker explained that the Township has a service contract on the ice maker machine in the lower level. Motion to approve invoices and expenditures for all funds totaling \$241,153.23 for payment as presented.

Motion by: Tucker

Seconded: Kesler

Ayes: Lorraine, Krug, Tucker, Goupil, Katrak, Kesler, Reid

Nays: None

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

None

COMMUNICATIONS:

None

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ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Request for Preliminary Plat Approval Extension - Pinnacle Shores Subdivision

Supervisor Lorraine reviewed a letter from Tom Atwell, the developer of the Pinnacle Shores subdivision, requesting an extension to the tentative approval of his preliminary plat for the entire subdivision. The development is being platted in phases. Extension of the preliminary plat approval will allow him to continue with the platting process for the remaining phases.

Mr. Atwell explained that the platting process for first three phases of Pinnacle Shores has been completed. Once those phases are more built out, he will move forward with the platting process for the remaining phases. With the current state of the economy, he believes he may be able to start another phase within the next year or so.

Trustee Katrak asked what area would be developed in the next phase. Mr. Atwell stated he plans to extend Sleepy Hollow Drive to Bennett Lake Road and develop that area next. This would provide a second point of ingress and egress for the subdivision. Citing the condition of the existing streets, Trustee Katrak asked if Bennett Lake Road would be used for construction traffic in the next phase. Mr. Atwell confirmed that it would.

Motion to grant a two-year extension to the tentative approval of the Preliminary Plat of Pinnacle Shores, as presented.

Motion by: Goupil

Seconded: Kesler

Ayes: Lorraine, Krug, Tucker, Goupil, Katrak, Kesler, Reid

Nays: None

Motion carried.

Resolution No. 2020-24, Non-Profit Designation - Lake Fenton Music Boosters

The board reviewed a letter from the Lake Fenton Music Boosters (LFMB) requesting support for their application to the State of Michigan for a charitable gaming license. Operations Manager Broecker, who has been Treasurer of LFMB since 2015, explained that the Lake Fenton Music Boosters, a 501(c)(3) charitable organization, conducts fundraising activities and provides general support to the band and choir programs in Lake Fenton High School and Middle School. Obtaining their own gaming license would eliminate the need to conduct raffle events under the school district's license. One of the requirements of the application is a resolution from the local governing body recognizing them as a non-profit organization.

LFMB President Dave Dostie stated that the Lake Fenton Music Boosters is a great organization that has put forth tremendous effort over the years to support the outstanding Lake Fenton music programs, under the direction of Ryan Gonder and Sean Spicer. Many of Lake Fenton's musicians have gone on to perform in college marching bands and at college football bowl games. Obtaining their own gaming license will simplify future fundraising activities.

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

RESOLUTION NO. 2020-24

WHEREAS, the Lake Fenton Music Boosters have been active in the support and promotion of band and choir programs in the Lake Fenton Community School District for many years, attaining status as a 501(c)(3) charitable organization in 2015, and

WHEREAS, the Lake Fenton Music Boosters wish to obtain a charitable gaming license from the Michigan Bureau of State Lottery for the purpose of conducting fund raising activities, and

WHEREAS, in order to obtain said license, the local municipality must adopt a resolution supporting the request;

*NOW, THEREFORE, BE IT RESOLVED, by the Township Board of the Charter Township of Fenton that the request from **Lake Fenton Music Boosters** of Fenton Township, County of Genesee, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license, be considered for **Approval**.*

Motion to adopt Resolution No. 2020-24 as presented.

Motion by: Krug

Seconded: Reid

Ayes: Lorraine, Krug, Tucker, Goupil, Katrak, Kesler, Reid

Nays: None

Motion carried. Resolution declared adopted.

Proposed Building Inspection Services Agreement - STSA Construction, LLC

The board reviewed a proposed 2-year agreement to continue to contract with STSA Construction, LLC for building inspection and plan review services. Stuart Worthing (STSA Construction) took over these contracted services in 2018 when Dave Gibson retired. Mr. Worthing has done an excellent job and has developed an outstanding working relationship with both the township staff and local builders. The proposed agreement maintains the current rate of \$40 per inspection and \$15.00 per hour for office work.

Treasurer Tucker asked if the expenses from the agreement are offset by building department revenues. Operations Manager Broecker confirmed that permit fees and permit deposits (for re-inspections) are structured to more than cover the cost of inspection and plan review services.

Motion to approve the building inspection services agreement with STSA Construction, LLC, as presented.

Motion by: Goupil

Seconded: Katrak

Ayes: Lorraine, Krug, Tucker, Goupil, Katrak, Kesler, Reid

Nays: None

Motion carried.

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Resolution No. 2020-25, Schedule Public Hearing on Proposed Drainage System Improvement Special Assessment District - Loon Harbor Preserve

Operations Manager Broecker advised that property owners in the Loon Harbor Preserve development have filed petitions to create a drainage improvement special assessment district for their subdivision. The signatures on the petitions submitted represent 54.64% of the total land area in the proposed district, with 46 of 83 property owners signing the petition (55.42%).

The next step in the process is to conduct a public hearing on the creation of the special assessment district. Clerk Krug presented the following resolution:

RESOLUTION NO. 2020-25

WHEREAS, the Charter Township of Fenton has accepted petitions from owners of properties in the Loon Harbor Preserve condominium subdivision to create a special assessment district under the authority of Michigan Public Act 188 of 1954, as amended, for the purpose of repairing and improving a storm water drainage detention pond, and

WHEREAS, it has been determined that the petition has been signed by property owners constituting more than 50% of the land area of the proposed special assessment district, and

WHEREAS, preliminary plans and estimated costs for the foregoing drainage improvements have been placed on file in the office of the Township Clerk,

NOW, THEREFORE, BE IT RESOLVED, that the Fenton Township Board does hereby tentatively declare its intent to repair and improve the storm water drainage detention pond in the Loon Harbor Preserve condominium subdivision, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does tentatively designate the special assessment district against which the costs of the improvements are to be assessed as the Loon Harbor Preserve Drainage Improvements Special Assessment District, which shall include the lands and premises more particularly described as follows:

All units in the Loon Harbor Preserve Condominium Subdivision

and

BE IT FURTHER RESOLVED, that a hearing on any objections to the petitions, to the improvement, the estimate of costs, and to the special assessment district proposed to be established for the assessment of the cost of such improvement, shall be held on Monday January 18, 2021 at a regular meeting of the township board, which will be held electronically via Zoom, commencing at 7:30 p.m., and

BE IT FURTHER RESOLVED, that the Township Clerk is instructed to give proper notice of such hearing by mailing and publication in accordance with law and statute provided, and

BE IT FINALLY RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

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Motion to adopt Resolution No. 2020-25 as presented.

Motion by: Krug

Seconded: Tucker

Ayes: Lorraine, Krug, Tucker, Goupil, Katrak, Kesler, Reid

Nays: None

Motion carried. Resolution declared adopted.

Proposed 2021-22 Law Enforcement Services Agreement - Genesee County Sheriff

Department

Supervisor Lorraine reviewed a proposed 2-year agreement with the Genesee County Sheriff Department (GCSD) to continue providing law enforcement services for the Township. The agreement includes five full-time deputies and 60% of the cost of a detective sergeant. The annual cost of the agreement is approximately \$783,000, which is about 12% higher than the previous 2-year agreement. It was noted that the Township and the GCSD enjoy an excellent working relationship and the Sheriff Department does an excellent job for the Township. Even though the proposed agreement includes a substantial cost increase, it is still more economical than creating our own police department. Supervisor Lorraine noted that the police budget for the City of Linden is approximately \$500,000 and police budgets for the City of Fenton and Mundy Township are in the range of \$2.5 million.

Operations Manager Broecker explained that the increase is due to increases in health care costs, higher retirement costs due to Genesee County's unfunded pension liability and the addition of a county administration fee.

Trustee Katrak asked what makes up the county administration fee. Operations Manager Broecker stated that it is an allocation of Genesee County's overhead and administrative costs (supervision, payroll, accounting, etc.).

Clerk Krug noted that the county consistently assigns high quality officers to Fenton Township. We receive very good service. Attorney Belzer agreed, stating that our deputies are always very responsive and professional in the performance of their duties. They are excellent representatives for the Township as well as the county.

Motion to approve the 2021-22 Law Enforcement Services Agreement with the Genesee County Sheriff Department, as presented.

Motion by: Tucker

Seconded: Krug

Ayes: Lorraine, Krug, Tucker, Goupil, Katrak, Kesler, Reid

Nays: None

Motion carried.

Proposed Hiring - Fenton Township Fire Department

Chief Volz asked the board to approve the hiring of Ricardo Munoz as a member of the Fenton Township Fire Department. Mr. Munoz has previous experience as a firefighter in Pennsylvania and would be an excellent addition to the department.

Motion to approve the hiring of Ricardo Munoz as a member of the Fenton Township Fire Department, conditional upon the successful completion of all pre-employment screening requirements.

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

Motion carried.

Chief Volz noted that the addition of Mr. Munoz brings the Fire Department roster up to 19. His goal is to increase the department size to 25.

Fenton Township Board Committee Appointments

The board reviewed proposed committee and other board appointments for the current term of office. Supervisor Lorraine stated that he discussed these with board members and appreciates everyone's cooperation in coming up with the final list.

Motion to approve Fenton Township Board 2020-2024 committee and miscellaneous appointments as presented.

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

Motion carried.

Proposed Amendments to 2020 Fenton Township Budget

Operations Manager Broecker reviewed proposed amendments to the 2020 Fenton Township Budget. Significant changes include:

General Fund

- Increase in building permit revenue, and a corresponding increase in building inspection contracted services due to heavier than expected building activity.
- Decrease in property held for resale revenues, due to no properties being sold in 2020.
- Increase in road expense due to a special assessment project to repave the streets in Audubon Meadows, (partially offset by payoffs).
- Final General Fund budget shows a surplus of \$39,000, although the actual surplus is expected to exceed \$200,000.

Fire Fund

- Increase in grant revenue due to CARES Act grants.
- Final Fire Fund budget shows a surplus of \$67,200, although the actual surplus is expected to exceed \$200,000.

Solid Waste Management Fund

- Modest increases in special assessment revenue and contracted services expenses. A modest surplus of \$39,000 is projected.

Sewer Fund

- Increase to contracted services expense due to extensive manhole inspection project.
- Projected positive net cash flow of approximately \$400,000.

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Treasurer Tucker asked about the \$10,000 reduction in general legal fees and corresponding increase in legal fees related to prosecutions. Operations Manager Broecker stated that the prosecution costs have increased this year, while general legal expenses have declined. The proposed amendment simply shifts budget dollars from one line item to the other with affecting the overall expenditures.

Motion to adopt amendments to the 2020 Fenton Township Budget, as presented.

Motion by: Tucker

Seconded: Kesler

Ayes: Lorraine, Krug, Tucker, Goupil, Katrak, Kesler, Reid

Nays: None

Motion carried.

Purchase Offer - Tax-Reverted Property

The board reviewed a purchase offer for tax-reverted property on Thompson Road, parcels 06-03-576-004 and 06-03-576-005 (Lots 4 & 5 of Thompson Commercial Sites plat). The prospective buyer, Owen Road LLC, has offered \$400,000 for the two properties.

Treasurer Tucker stated that he was previously opposed to selling this property since it had been identified as a potential water tower location if the Township was able to bring municipal water to Thompson Road. He has since learned that there are other potential water locations that could be obtained for a reasonable cost, (purchase or easement). Because of that, he is now open to the idea of selling the property. Mr. Tucker added that any sale would require a modified purchase agreement form, which would include a “net to seller” amount.

Supervisor Lorraine stated that he wants to improve the Thompson Road Corridor since it is the “entrance” to Fenton Township from the US-23 freeway. Selling this property might jump-start additional development along Thompson Road.

Treasurer Tucker added that he recently received an inquiry from prospective buyer, who indicated he wanted to expand and convert the existing structure to an office building. Supervisor Lorraine confirmed that is his understanding as well.

Trustee Goupil asked what municipal water would do to the development of this area. Treasurer Tucker stated that the construction of a municipal water system would likely generate significant development along the corridor. The cost of the water system has always been the primary obstacle.

Engineer Allen Lawrence confirmed that a water tower could be located on subject property, but could also be located near the Fenton Road/Thompson Road intersection or near the Thompson Road/US-23 interchange. One of the cost concerns with the construction of a municipal water system is that the closest water line is near the intersection of Fenton Road and Baldwin Road. Fenton Township would not only have to pay for the water lines constructed on Thompson Road, but also for the lines in Mundy Township to connect to Thompson Road (via Fenton Road to Thompson Road, or via Baldwin Road to Torrey Road to Thompson Road).

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The board discussed several approaches to the purchase offer. Treasurer Tucker offered a proposed response to the offer.

Motion to authorize the Township Supervisor to submit a counter-offer of \$425,000 net to the township, with customary tax proration, to the prospective buyer.

Motion by: Tucker

Seconded: Kesler

Ayes: Lorraine, Krug, Tucker, Katrak, Kesler, Reid

Nays: Goupil

Motion carried.

BOARD COMMENT:

All board members wished everyone on the Zoom meeting a Merry Christmas and Happy New Year.

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

None

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

Vince Lorraine, Supervisor

Robert Krug, Clerk

Minutes Posted 12/22/20