

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JANUARY 18, 2021**

**MEETING HELD ELECTRONICALLY VIA ZOOM
PER MICHIGAN PUBLIC ACT 254 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, Zoning Administrator Deem, Township Engineer Allen Lawrence

APPROVAL OF AGENDA:

Motion to approve the 1/18/21 Fenton Township Board Meeting agenda as presented.

Motion by: Krug

Seconded: Tucker

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

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 1/4/21 regular meeting stand approved as presented.

EXPENDITURES:

Treasurer Tucker noted that the total for snow/ice removal invoice seemed a little high. These will be verified before payment is mailed. Motion to approve invoices and expenditures for all funds totaling \$407,901.10 for payment as presented.

Motion by: Tucker

Seconded: Reid

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

Proposed Drainage Improvement Special Assessment District - Loon Harbor Preserve

Supervisor Lorraine opened a public hearing on the creation of a special assessment district to repair/improve the storm water detention pond in the Loon Harbor Preserve condominium subdivision. The total estimated cost of the project is approximately \$41,400.00. 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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Public comment:

Jaimi Hegenauer, 4442 Mallard Court

Ms. Hegenauer asked if the existing limestone boulders would be moved or removed during the project project? Engineer Allen Lawrence stated yes, but only to the extent necessary to relocate the outlet pipe. Ms. Hegenauer then asked about the erosion problems experienced by properties adjacent to the pond. Mr. Lawrence clarified that this particular project will not address erosion problems, but he will advise the association of any other issues that need to be addressed.

Jack Battles, 13254 Harborview Drive

Mr. Battles stated that the pond does impact the adjacent properties. As the pond has expanded, more property erodes away. He asked if this project will resolve this problem. Mr. Lawrence stated that getting the pond to function properly should reduce flooding and erosion problems.

Peter Durgan, 13256 Harborview Drive

Mr. Durgan claims there are four separate inlets to the pond and a single outlet. Mr. Lawrence stated that the primary inlet is too close to the outlet. Relocating the outlet and utilizing a standpipe will correct many problems. Mr. Durgan also asked about landscaping. Mr. Lawrence clarified that the association has requested a project to make the pond functional only. Other improvements, including landscaping, may need to follow, but are not a part of this project.

Treasurer Tucker took the opportunity to clarify that the Township is not dictating the scope of the project, but simply responding to a request and petitions from the property owners. The scope of the project is being directed by the association.

Supervisor Lorraine closed the public hearing.

Treasurer Tucker acknowledged that a majority of the property owners are in favor of the project, although it appears that additional improvements may be necessary to address all drainage issues. Trustee Katrak asked if the 55% is a true representation of how many property owners are in favor of the project, or if the petition effort stopped once 50% was exceeded. Operations Manager Broecker explained that the property owners were encouraged to continue to submit petitions even after the statutory requirement was met, but the momentum sometimes slows once the goal is reached. Treasurer Tucker noted that the board also looks at the total number of properties represented on the petition to make sure a majority of property owners in favor, not just a majority of the land area.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2021-02

WHEREAS, the township board of the Charter Township of Fenton received petitions signed by more than 50% of the total land area 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 drainage improvement project to schedule a public hearing upon the same for this date, and

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WHEREAS, the plans, estimates of cost and proposed special assessment district were filed with the Township Clerk and posted on the Fenton Township website 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 convened on this 18th day of January 2021, 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 Loon Harbor Preserve Drainage Improvement Special Assessment District were properly signed by the record owners of land whose area constitutes more than 50% of the total land area upon the proposed special assessment district.*
- 2. That this township board does hereby approve the preliminary plans for drainage pond improvements in the Loon Harbor Preserve condominium subdivision, and the estimate of costs for the completion thereof of \$41,400 (including engineering and administrative costs).*
- 3. That this township board does hereby create, determine and define as a special assessment district to be known as the Loon Harbor Preserve Drainage 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:*

Units 1-83 of the Loon Harbor Preserve Condominium Subdivision

- 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 his 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.*

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Motion to adopt Resolution No. 2021-02 as presented.

Motion by: Krug

Seconded: Tucker

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

Nays: None

Motion carried. Resolution declared adopted.

Supervisor Lorraine stated that, in anticipation of the adoption of the previous resolution, a special assessment roll has been prepared, certified and filed with the Township Clerk. Clerk Krug presented the following resolution:

RESOLUTION NO. 2021-03

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 \$41,400.40 covering all parcels of land in the Loon Harbor Preserve Drainage 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 on the Township's website from the present date through the date of the public hearing upon the same.*
- 2. That the Fenton Township Board shall meet at 7:30 p.m. on February 1, 2021, via Zoom to 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 Loon Harbor Preserve Drainage 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. 2021-03 as presented.

Motion by: Krug

Seconded: Tucker

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

Nays: None

Motion carried. Resolution declared adopted.

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REPORTS:

Fire Department 4th Quarter & Annual Report

Fire Chief Volz reviewed 4th quarter and annual Fire Department statistics.

| | <u>Oct-Dec, 2020</u> | <u>Total 2020</u> |
|----------------------|-------------------------|-------------------------|
| Total alarms | 130 (14 in Tyrone Twp.) | 579 (77 in Tyrone Twp.) |
| Fires/Explosions | 9 | 42 |
| EMS | 55 | 233 |
| Hazardous cond. | 8 | 24 |
| Service calls | 10 | 42 |
| Good intent calls | 36 | 176 |
| False alarms | 12 | 57 |
| Weather/Nat.Disaster | 0 | 5 |

Trustee Katrak inquired as to the cause for false alarms. Chief Volz stated that most are malfunctioning smoke alarms or cancelled EMS alarms. The board thanked Chief Volz for his report.

Ordinance Enforcement 4th Quarter Report

The board briefly reviewed the 4th quarter report from Ordinance Enforcement Officer Pat Shaw. Zoning issues, dog control and blight were the categories with the highest number of complaints for the quarter.

COMMUNICATIONS:

Letter from Atwell Homes & Realty Inc.

Supervisor Lorraine briefly reviewed a letter from Tom Atwell thanking the board for granting the approval extension for the Pinnacle Shores plat.

ADOPTION OF ORDINANCES:

PUD Rezoning #R20-004, DMK Development Group, part of parcel 06-29-200-007, (vacant land adjacent to Price’s Airport); Horizon Lakes Airpark PUD to DMK Senior Living PUD/2nd Reading & Vote on Adoption

Zoning Administrator Deem reminded the board that the original Planning Commission recommendation was for approval, but that approval was contingent upon the Planning Commission’s review and potential modification of the Master Plan in such a fashion that this request would then be consistent with the amended Master Plan. The Planning Commission has subsequently determined that the Future Land Use Map contains an error and that the rezoning request now complies with the amended Future Land Use Map of the Master Plan. Therefore, the board is free to act on the proposed rezoning, while the Planning Commission will continue the process to correct the Future Land Use Map.

Clerk Krug, noting that the applicant has approached the City of Linden regarding extending their water lines for their project, asked if city providing water would open township to annexation. Attorney Belzer stated that annexation, even if pursued by the City of Linden, would not be likely since the Township already meets all of the requirements to be exempt from annexation.

Motion to adopt Ordinance No. 821, an amendment to Zoning Ordinance No. 594, to rezone part of parcel 06-29-20-007 from Horizon Lakes Airpark PUD to DMK Senior Living PUD, as presented.

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

Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Award of Contract - Cleaning & Janitorial Services

Operations Manager Broecker reported that Fenton Township issued a Request for Proposals (RFP) in November for cleaning & janitorial services at the Fenton Township Civic Community Center. When the 12/16/20 deadline arrived, five companies had submitted proposals. The board reviewed an analysis of those proposals, which confirms Hurricane Technologies Facility Maintenance as the low bidder. Mr. Broecker confirmed that Hurricane provided excellent references and he is confident they will do a fine job for the Township. Based on the proposal analysis, Operations Manager Broecker recommends that the township board award the contract to Hurricane Technologies Facility Maintenance.

Clerk Krug asked if the current provider has been doing a good job. Operations Manager Broecker stated that their work has been generally acceptable, however their bid was much higher than the two lowest bids.

Trustee Katrak noted that the bid from Detail XPerts has a lower cost on regular cleaning, which could result in lower overall cost if the volume of lower level cleanings is reduced due to the pandemic. Operations Manager Broecker stated that he felt more comfortable with the bid from Hurricane Technologies since they sent a representative to review the facility and put together a more detailed proposal.

Motion to award the contract to, and approve the cleaning & janitorial services agreement with, Hurricane Technologies Facility Maintenance, as presented.

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

Motion carried.

Proposed Renewal of Funding Commitment - PEG Coordinator

Operations Manager Broecker noted that the Fenton Township Board approved a 3-year funding commitment in November 2017 to pay a portion of the \$25,000 annual salary cost for the position of PEG Coordinator, which was initially created in 2014. The current PEG Coordinator, Randen Syjut, was hired in 2015. The primary responsibility of the PEG Coordinator is to manage the broadcast content for Channel 191, the local education & government public access channel.

Over the past few years, the management of Channel 191 has improved dramatically. Notable enhancements / achievements include:

- Significant increase in the quantity, variety and quality of video content.

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- Improved working relationships with the video production programs at Lake Fenton, Linden, Fenton and Hartland High Schools, the largest producers of Channel 191 content.
- Effective coordination of equipment purchases funded by PEG grants to maximize cost efficiency and upgrade technology.
- Implementation of an equipment inventory/replacement/repair/disposal plan.
- 24/7 live streaming of Channel 191 through a YouTube channel (Fenton Area Community Television).
- On Demand video service for archived content, also through the YouTube channel.
- Increased viewership of both Channel 191 and the YouTube channel.

The FACT Consortium is again requesting that its member communities and school districts renew their funding commitment for the PEG Coordinator salary for another three years. Because the school programs have become more self-sufficient in the creation and scheduling of video content, The PEG Coordinator has recommended that his annual salary be decreased from \$25,000 to \$15,000 due to the reduced time commitment. The Consortium has recommended approval of the reduced salary. The board reviewed a breakdown of funding allocation for the salary expense, including Fenton Township's share of approximately \$3,600 per year, (as compared to \$6,300 for the past three years).

Motion to authorize the expenditure of up to \$3,600.00 per year for three years toward the PEG Coordinator salary to continue managing the public access channel 191, as presented.

Motion by: Tucker

Seconded: Goupil

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

Nays: None

Motion carried.

Schedule Public Hearing - 2021 Local Road Improvements

Supervisor Lorraine recommended the scheduling a local road improvement public hearing for the 2/1/21 meeting. A public hearing would give the board an opportunity to obtain citizen input regarding potential local road improvement projects prior to making any final decisions.

Motion to schedule a public hearing for February 1, 2021 to obtain citizen input regarding potential local road improvement projects for 2021.

Motion by: Tucker

Seconded: Krug

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

Nays: None

Motion carried.

BOARD COMMENT:

Supervisor Lorraine stated that he is pleased with the progress of holding our meetings via Zoom. The board members seem to be getting more comfortable with the process. Treasurer Tucker stated that he was concerned about holding public hearing via Zoom, but tonight's meeting shows that it can work quite well.

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Trustee Katrak suggested providing additional instruction on how the public can participate in the Zoom meetings. Supervisor Lorraine agreed that we can probably make it less confusing.

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

None

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

Vince Lorraine, Supervisor

Robert Krug, Clerk

Minutes Posted 01/19/21