

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MAY 3, 2000**

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

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

Present: Gabrielson, Mueller, Garfield, Ketchmark, Lambert, Mathis, McKenna,
Office Manager Broecker and Attorney Cooley.

Absent: None

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 5/3/00 Fenton Township Board Meeting agenda as presented.

Motion by: Lambert

Seconded: Ketchmark

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 4/17/00 regular meeting stand approved as presented.

EXPENDITURES:

The monthly bill for Nextel cellular phones was discussed. Some board members were not aware that the township had switched to Nextel. This issue will be discussed at a future workshop meeting. Motion to approve invoices for payment as presented.

Motion by: Garfield

Seconded: McKenna

Ayes: Gabrielson, Mueller, Garfield, Ketchmark, Lambert, Mathis, McKenna

Nays: None

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

Law Enforcement Update

Trustee Mathis reported that this year's Marine Patrol scheduling will be "non-regular" so boaters won't know specific days or times that patrol boats will be on the water. Equipment is now in place to enforce noise and speed limits. The 45mph speed limit has been posted at all public launching sites on Lake Fenton.

Fire Department Update

Treasurer Garfield reported that the township is researching the use of funds generated from the Emergency Services Ordinance. This ordinance was originally designed to generate revenues to purchase equipment because the General Fund budget for the Fire

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Department was limited. Now that the fire protection special assessment is in place, the use of these funds will be reviewed.

Mailbox Vandalism

Trustee Lambert reported that his newly brick-encased mailbox was recently vandalized, along with more than 30 others in the surrounding area. He believes that the increase in vandalism and other crimes are directly related to growth and development.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Rezoning #335, Walter J. Bohland, parcel 06-18-200-001; AG to R-1A/2nd Reading

Supervisor Gabrielson reviewed the proposed rezoning amendment.

Public Comment:

Beth Howarth, 11218 Hogan Road

Ms. Howarth spoke in opposition to the proposed rezoning. Her concerns included:

- impact on wildlife and their habitats
- impact on local school district
- continued destruction of prime farm land

There was no further discussion.

Motion to adopt Ordinance No. 562, and amendment to the Zoning Ordinance to rezone parcel 06-18-200-001 from AG to R-1A.

Motion by: Mueller

Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, Lambert, Mathis, McKenna

Nays: Ketchmark

Motion carried. Ordinance declared adopted.

Rezoning #336, John Pasqualin, part of parcel 06-03-200-006; AG to R-1E/2nd Reading

Supervisor Gabrielson reviewed the proposed rezoning ordinance. There was no further discussion.

Motion to adopt Ordinance No. 563, and amendment to the Zoning Ordinance to rezone part of parcel 06-03-200-006 from AG to R-1E, as requested.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Garfield, Ketchmark, Lambert, Mathis, McKenna

Nays: None

Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS-OTHER:

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Workshop Meeting- 5/6/00

Since the board held a special workshop meeting on 4/29/00, it was agreed that the workshop scheduled for 5/6/00 was not needed.

Motion to cancel the Fenton Township Board workshop meeting scheduled for Saturday May 6, 2000.

Motion by: Gabrielson

Seconded: Mueller

Ayes: All

Nays: None

Motion carried.

Contract Status – Assistant Fire Chief

Supervisor Gabrielson reviewed the issues surrounding the employment status of Assistant Fire Chief DuWayne Stratman. He went on to report that the proposed separation agreement that was delivered to Mr. Stratman had not been returned and that the township had not received any communication other than a faxed letter from Mr. Stratman's attorney asking to reschedule this evening's meeting. Therefore, since the 30 day probationary period established by the township board has expired, the board must now determine if Mr. Stratman is fulfilling the duties and responsibilities of his employment contract. Supervisor Gabrielson then asked for public comment. There was none.

Board Discussion:

Trustee Lambert stated that he was concerned about Mr. Stratman's statements that he had signed his current contract "under duress" and that the contract was unreasonable. His research, however, confirmed that Attorney Grossman's assertion that the contract was legal and enforceable is correct. He went on to state that he feels badly about the situation but if Mr. Stratman is not fulfilling the requirements of his contract, the board must take action.

Treasurer Garfield stated that she does not feel termination is justified. She feels that the entire situation could have been handled better and there was a lot of conflicting information surrounding this issue. She went on to thank Mr. Stratman for his years of service to Fenton Township.

Clerk Mueller agreed with Treasurer Garfield's comments regarding Mr. Stratman's service. He is the individual most responsible for the initial creation of the Fenton Township Fire Department and should be commended for all of the good things he has done for the community. The board's duty, however, is to deal with the issue at hand.

Trustee McKenna stated that, as an elected public official, he cannot allow an employee to continue to draw a salary if he is not fulfilling the requirements of the job.

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Labor attorney Hiram Grossman answered several questions from the board. He stated that if the board determined that Mr. Stratman was not fulfilling the duties and responsibilities of his employment contract, the board is obligated to terminate that contract. It was clarified that, if the board voted to terminate Mr. Stratman, they still have the option of reconsidering that action if Mr. Stratman submits a letter of resignation and the signed separation agreement within a reasonable amount of time.

Trustee Mathis stated that the board has offered exactly what Mr. Stratman has stated he desires – retirement with continued health insurance benefits. It is difficult to understand why he has not agreed to this offer.

Motion to terminate the employment contract of Fenton Township Assistant Fire Chief DuWayne Stratman for failure to fulfill the duties and responsibilities required under said contract, and to terminate his further involvement with the Fenton Township Fire Department.

Motion by: Mueller

Seconded: Ketchmark

Ayes: Gabrielson, Mueller, Ketchmark, Lambert, Mathis, McKenna

Nays: Garfield

Motion carried.

NEW BUSINESS:

Pinnacle Shores No. 2 – Extension of Preliminary Plat Final Approval

Office Manager Broecker reviewed a letter from Cornerstone Surveying & Engineering, requesting an extension of the preliminary plat final approval previously granted for the Pinnacle Shores subdivision. This extension is necessary for the developer to move forward with the final plat process for the second phase of the development. There was no further discussion.

Motion to grant a two year extension for the final approval of the preliminary plat of Pinnacle Shores, as requested.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Garfield, Ketchmark, Lambert, Mathis, McKenna

Nays: None

Motion carried.

Revised Fenton Township Schedule of Fees

Office Manager Broecker reviewed the proposed fee schedule, which include several minor changes. The most notable are the establishment of a grave opening/closing fee of \$400.00 and the \$100.00 increase to sewer connection permit fees. There was no further discussion.

Motion to adopt the Charter Township of Fenton Schedule of Fees, to be effective 5/4/00, as presented.

Motion by: McKenna

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Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, Ketchmark, Lambert, Mathis, McKenna

Nays: None

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

None

ADJOURN: Meeting adjourned at 8:30 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 5/4/00