

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JUNE 5, 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, Office
Manager Broecker and Attorney Cooley.

Absent: McKenna

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 6/5/00 Fenton Township Board Meeting agenda as presented.

Motion by: Mueller

Seconded: Garfield

Ayes: All Present

Nays: None

Absent: McKenna

Motion carried. The agenda is approved.

PRESENTATION:

Genesee County Sheriff Department Update

Captain Mike Compeau provided the board with a monthly law enforcement update.

MEETING MINUTES:

The minutes of the 5/15/00 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices for payment as presented.

Motion by: Garfield

Seconded: Ketchmark

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

Nays: None

Absent: McKenna

Motion carried.

PUBLIC HEARINGS:

Linden Crossings Street Lighting Special Assessment District/1st Hearing

Supervisor Gabrielson reviewed the proposed special assessment district for street lights in the Linden Crossings condominium development. It was noted that the developer still owns all 48 units of Linden Crossings. There was no public comment. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2000-17

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WHEREAS, the Fenton Township Board has 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 1954 PA 188, as amended, to secure plans and estimates of cost together with a proposed Special Assessment District for assessing the costs of the proposed street lighting project to schedule a public hearing upon the same for this date, and

WHEREAS, the plans, estimates of cost and proposed Special Assessment District were filed with the Township Clerk for public examination and notice of the hearing upon 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 scheduled this 5th day of June, 2000 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;

THEREFORE BE IT RESOLVED, that the Fenton Township Board does hereby determine that the petitions for the Linden Crossings Street Lighting Special Assessment District were properly signed by the record owners of land whose land area constitutes more than 50% of the total land area upon the proposed improvement, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby approve the plans for the maintenance of street lights in the Linden Crossings condominium development as prepared and presented, and the estimated costs thereof of \$1,600.00 per year, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby create, determine and define as a Special Assessment District to be known as the Linden Crossings Street Lighting Special Assessment District, within which the costs of such improvements shall be assessed, the following described area within said township:

Units 1-48 of the Linden Crossings condominium development

BE IT FURTHER RESOLVED, that on the basis of the foregoing, the Fenton 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 in the Special Assessment District. When the same has been completed, the Supervisor and assessing officer shall affix thereto his/her certificate stating that it was made pursuant to this Resolution and that in making such

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assessment roll, he has, according to his best judgement, conformed in all respects to the directions contained in this Resolution and the applicable state statutes.

Motion to adopt Resolution No. 2000-17 as presented.

Motion by: Mueller

Seconded: Ketchmark

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

Nays: None

Absent: McKenna

Motion carried. Resolution declared adopted.

Supervisor Gabrielson reported that, in anticipation of the previous resolution, an assessment roll has been prepared, certified and submitted to the Township Clerk. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2000-18

WHEREAS, the Supervisor and assessing officer of Fenton 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 \$1,608.00 per year, (\$2,106.24 in the first year), covering all parcels of land within the Linden Crossings Street Lighting Special Assessment District, and has affixed thereto his Certificate as required by said Resolution;

THEREFORE BE IT RESOLVED, that said special assessment roll shall be filed with the Township Clerk and shall be available for public examination during regular business hours of regular business days from the present date until the public hearing upon the same and shall further be examined at such public hearing, and

BE IT FURTHER RESOLVED, that the Fenton Township Board shall meet at 7:30 p.m. on June 19, 2000 at the Fenton Township Civic Community Center located at 12060 Mantawauka Drive, within the Township, to review such special assessment roll and hear any objections thereto, and

BE IT FURTHER RESOLVED, that the Township Clerk shall cause notice of such hearing and the filing of such assessment roll to be published twice in a newspaper of local circulation 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 Linden Crossings Street Lighting 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.

Motion to adopt Resolution No. 2000-18 as presented.

Motion by: Mueller

Seconded: Ketchmark

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Ayes: Gabrielson, Mueller, Garfield, Ketchmark, Lambert, Mathis
Nays: None
Absent: McKenna

Motion carried. Resolution declared adopted.

REPORTS:

Fire Department Update

Treasurer Garfield reported that the Fire Department had received letter from a family on Bay View Drive thanking the Fire Department for their efforts in fighting a recent fire.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Amendment to Emergency Services Ordinance No. 469/2nd Reading

Supervisor Gabrielson reviewed the proposed amendatory ordinance, which designates fees collected under the ordinance as Fire Fund revenues. It was noted that no other provisions of the ordinance are being changed. There was no further discussion.

Motion to adopt Ordinance No. 564, an amendment to Emergency Services Ordinance No. 469, as presented.

Motion by: Mueller
Seconded: Garfield
Ayes: Gabrielson, Mueller, Garfield, Ketchmark, Lambert, Mathis
Nays: None
Absent: McKenna

Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS-OTHER:

Special Workshop Meeting – 6/12/00

The board agreed to schedule a special workshop meeting for Monday 6/12/00, beginning at 7:30 p.m.

NEW BUSINESS:

Revised Resolution No. 2000-04 / Tavern License for Head 2 Head, LLC

Supervisor Gabrielson reported that the resolution adopted by the board earlier this year regarding the issuance of a Tavern License to Head 2 Head, LLC did not comply with State requirements. When issuing a new license, (as opposed to transferring an existing one), the phrase “above all others” must be included in the resolution language. A revised resolution, if adopted, will provide the State Liquor Control Commission with the appropriate document. Treasurer Garfield and Trustee Lambert repeated their opposition the issuance of the proposed business due to the number of underage people who would likely utilize the establishment. Clerk Mueller presented the following revised resolution:

RESOLUTION NO. 2000-04

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*WHEREAS, **Head 2 Head, LLC** has requested that the Charter Township of Fenton Board of Trustees recommend the issuance of a Tavern License for a business to be located at 3235 Thompson Road;*

*THEREFORE BE IT RESOLVED, that the request from **Head 2 Head, LLC** for a Tavern License for a business located at 3235 Thompson Road , Fenton, Michigan 48430, Genesee County, to be issued "ABOVE ALL OTHERS" be considered for **Approval "ABOVE ALL OTHERS"**.*

Motion to adopt Resolution No. 2000-04 as presented.

Motion by: Mueller
Seconded: Mathis
Ayes: Gabrielson, Mueller, Ketchmark, Mathis
Nays: Garfield, Lambert
Absent: McKenna

Motion carried. Resolution declared adopted.

Letter of Resignation from Planning Commission – Cheryl O’Neill

Supervisor Gabrielson read a letter from Cheryl O’Neill announcing that she will step down from the Planning Commission after the August, 2000 meeting. She cited her decision to return to teaching as the primary reason for her decision. She also thanked the board for giving her the opportunity to serve the township as a planning commissioner.

Motion to accept the resignation of Planning Commissioner Cheryl O’Neill, effective August 16, 2000, with regrets.

Motion by: Gabrielson
Seconded: Mathis
Ayes: Gabrielson, Mueller, Garfield, Ketchmark, Lambert, Mathis
Nays: None
Absent: McKenna

Motion carried.

Employment Contract – Assessor Linda Klein

Supervisor Gabrielson reviewed a proposed 3-year employment contract for Assessor Linda Klein. The Personnel Committee has reviewed the contract and recommended approval. Trustee Ketchmark asked that future proposed contracts include some designation of new or changed contract language for comparison purposes.

Motion to approve the 3-year employment agreement for Assessor Linda Klein as presented.

Motion by: Mueller
Seconded: Mathis
Ayes: Gabrielson, Mueller, Garfield, Ketchmark, Lambert, Mathis
Nays: None

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Absent: McKenna
Motion carried.

Bid Acceptance/Award – Barrier Free Picnic Table Project (CDBG)

Office Manager Broecker reviewed the recommendation from Rowe, Inc. for the purchase of barrier-free picnic tables and related equipment for the Fenton Township Beach. Rowe has recommended purchasing the two gazebo-style barrier-free tables and the trash receptacles from Michigan Playground & Recreation Equipment at a cost of \$7,260.00 and the free standing barrier-free picnic tables from DP & Hoffman PlayWorks at a cost of \$3,255.00. Installation of the equipment will be included in a separate project contract that will be bid out within the next few weeks.

Motion to award contracts for the purchase of barrier-free picnic tables and related equipment per the recommendation of Rowe Incorporated.

Motion by: Ketchmark
Seconded: Garfield
Ayes: Gabrielson, Mueller, Garfield, Ketchmark, Lambert, Mathis
Nays: None
Absent: McKenna
Motion carried.

Bid Acceptance/Award – Whitaker Road Sewer Project

Supervisor Gabrielson reviewed the recommendation from Rowe Incorporated for the construction of a small sanitary sewer extension on Whitaker Road. This line will connect an unused sewer main that was built over 30 years ago to an existing sewer main on Whitaker Road. Rowe Incorporated has recommended awarding the contract to Conex, Inc. Conex's bid of \$10,800.00 was the lowest of six bids received.

Trustee Ketchmark voiced concern regarding the large difference between the low bid and the high bid of \$28,441.04, and the possibility of "add-on" costs. Leanne Homberg of Rowe Incorporated responded that the contract will bind Conex to their bid cost, unless unforeseen situations arise that would increase costs. Any such increases would have to be approved by the township.

Motion to award the contract for the Whitaker Road Sanitary Sewer Extension Project to Conex, Inc. at a cost of \$10,800.00, per the recommendation of Rowe Incorporated.

Motion by: Ketchmark
Seconded: Mueller
Ayes: Gabrielson, Mueller, Garfield, Ketchmark, Lambert, Mathis
Nays: None
Absent: McKenna
Motion carried.

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Resolution No. 2000-19 / Transfer of CDBG Funds

Office Manager Broecker reported that the barrier-free equipment approved earlier this evening will necessitate a transfer of CDBG funds to cover the total project cost. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2000-19

WHEREAS, the total costs for Phase II of the Barrier Free Project for the Fenton Township Civic Community Center (CDBG Project 98-34) are equal to \$12,565.25, and

WHEREAS, the current balance in CDBG account 98-34 is \$8,733.64;

THEREFORE BE IT RESOLVED, that the Fenton Township Board of Trustees hereby authorizes the transfer of \$3,831.61 from account 99-27 to account 98-34.

Motion to adopt Resolution No. 2000-19 as presented.

Motion by: Mueller

Seconded: Garfield

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

Nays: None

Absent: McKenna

Motion carried. Resolution declared adopted.

Retirement Letter – DuWayne Stratman

Determination of Eligibility – Fenton Township Retiree Health Insurance

Supervisor Gabrielson reported that attorney Norbert Leonard had sent a letter to the township stating that DuWayne Stratman is retired, as well as a letter stating that he was authorized to act on Mr. Stratman's behalf. Labor Attorney Grossman has recommended that the board considers rescinding their 5/3/00 action of termination and accept the letter of retirement provided by Mr. Stratman's attorney. If those actions are accomplished, the board must still determine if Mr. Stratman is eligible for continued health insurance benefits. Trustees Ketchmark, Mathis and Lambert were not in favor of accepting the letter from Mr. Stratman's attorney. Because the separation agreement proposed by the township was not signed, the township would not be protected against further legal action. It is the opinion of the three trustees that the separation agreement, signed by Mr. Stratman, and a letter of resignation/retirement, also signed by Mr. Stratman, would be necessary to consider rescinding their termination action. Clerk Mueller stated that the acceptance of the retirement letter and the granting of continued health insurance benefits would reduce the likelihood that any further legal action taken would be successful, and may avoid further legal action altogether. Not accepting the retirement letter will most certainly result in legal action and may weaken our position. After considerable discussion the recommendation was made to table the issue until the next board meeting.

Motion to table the issues of DuWayne Stratman's retirement letter and the determination of eligibility for retiree health insurance benefits until the 6/19/00 meeting.

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Motion by: Ketchmark
Seconded: Garfield
Ayes: Gabrielson, Mueller, Garfield, Ketchmark, Lambert, Mathis
Nays: None
Absent: McKenna
Motion carried.

Legal Action/Attractive Nuisance – 4029 Minnetonka Drive

Supervisor Gabrielson reviewed a memo from Ordinance Enforcement Officer Tom Waldron regarding a house on Minnetonka Drive. The structure has been deemed an “attractive nuisance” because of missing doors and overall sub-standard condition. The property owner has been notified to correct the problems but no action has been taken. He has asked to the board to authorize legal action to have the house demolished. The demolition costs would be placed on the owner’s property tax bill.

Motion to authorize legal action to abate an “attractive nuisance” at 4029 Minnetonka Drive, as requested.

Motion by: Mueller
Seconded: Garfield
Ayes: Gabrielson, Mueller, Garfield, Ketchmark, Lambert, Mathis
Nays: None
Absent: McKenna
Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Patrick Carmody, 16245 Silvershore Drive

Mr. Carmody voiced his concerns regarding the proposed Wal-Mart site plan in the City of Fenton. He believes that the township’s approval of a PUD project at the corner of Owen and Jennings Roads has been used by the city as justification for their continued commercial development in this area. He is concerned over the development’s effects on the local water supply and overall quality of life (excessive light, noise pollution, etc.). Several compromises were recently mediated between the residents of the Silver Ridge subdivision and the Wal-Mart developers. If the City of Fenton does not enforce all of these compromises, Mr. Carmody believes that the township should take legal action against the city to protect the township residents.

Gary Carlson, 14041 Squaw Lake Drive

Mr. Carlson asked about the new law that will require watershed management plans within the next few years. Supervisor Gabrielson confirmed that the State will require comprehensive watershed management plans from all municipalities by the year 2003. The township will work with our engineers to develop a plan to comply with the new laws within the requirement time frames.

ADJOURN: Meeting adjourned at 9:20 p.m.

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Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 6/7/00