

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 18, 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, Mathis, McKenna, Attorney  
Cooley and Recording Secretary Penny Sharich.

Absent: Lambert, Office Manager Broecker

**PLEDGE OF ALLEGIANCE:**

Supervisor Gabrielson led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Supervisor Gabrielson reported that the Dunkel PUD amendment would be removed from the agenda at the request of the applicant. The following items were recommended to be added to the agenda:

- A monthly law enforcement update from Captain Compeau of the Genesee County Sheriff Department.
- The hiring of an attorney to draft vehicle code, marine traffic and nuisance ordinances.

Motion to approve the 9/18/00 Fenton Township Board Meeting agenda as amended.

Motion by: Mueller

Seconded: McKenna

Ayes: All Present

Nays: None

Absent: Lambert

Motion carried. The agenda is approved.

**PRESENTATION:**

Captain Michael Compeau provided the board with a monthly law enforcement update. Trustee Ketchmark asked if a Marine Patrol report for 2000 was available. Captain Compeau responded that he would have it available at the next meeting. Another question was raised regarding the lack of medical equipment/supplies on the Marine Patrol watercraft. Captain Compeau responded that the Marine patrol deputies are not qualified to administer medical attention.

**MEETING MINUTES:**

The minutes of the 9/5/00 regular meeting and the 9/9/00 workshop meeting stand approved as presented.

**EXPENDITURES:**

Trustee Ketchmark questioned an invoice she had submitted that did not appear on the vendor approval list. Supervisor Gabrielson will make sure the invoice is indeed paid. Treasurer Garfield questioned portions of invoices related to a building officials seminar. Supervisor Gabrielson will research and take any necessary action. Motion to approve invoices for payment as presented.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 18, 2000**

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

**PUBLIC HEARINGS:**

**Fenton Twp. Fire Protection Special Assessment District-Confirmation of 2000 Roll**

Supervisor Gabrielson reviewed the proposed Fire Protection Special Assessment Roll for the 2000 Property Tax bills. The per parcel assessment remains at \$65.00. The total assessment is \$439,140.00. There was no public comment. Clerk Mueller presented the following resolution:

**RESOLUTION NO. 2000-29**

*WHEREAS, the township board of the Charter Township of Fenton, Genesee County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of raising money by special assessment for furnishing fire protection and purchasing and housing equipment, and for the operation of same, and*

*WHEREAS, such public hearing was preceded by a notice published in a newspaper of general circulation in the Township, and*

*WHEREAS, no written objections were received to said roll and levy;*

*WHEREAS, all present at said public hearing were given the opportunity to be heard in the matter, and*

*AND WHEREAS, the Township Board has duly inspected the proposed assessment roll and considered all comments and proposed amendments thereto and has found the proposed assessment roll, as presented, to be correct, just and reasonable;*

*THEREFORE BE IT RESOLVED, that the assessment roll submitted by the supervisor and assessing officer of the Township shall hereafter be designated as the Fenton Township Special Assessment Roll No. 2000-6 and shall hereby be confirmed as the assessment roll for the Fenton Township Fire Protection Special Assessment District, and*

*BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2000-6 shall be due and payable on December 1, 2000, and*

*BE IT FURTHER RESOLVED, if any special assessment is not paid when due, then the special assessment shall be considered to be delinquent and there shall be collected, in addition to interest as provided by this section, a penalty at the rate of 1%*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 18, 2000**

*for each month, or fraction of a month, that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township tax roll, in accordance with Michigan Public Act 188 of 1954, as amended, and*

*BE IT FURTHER RESOLVED, that the assessments made in said special assessment roll are hereby ordered and directed to be collected by the Township Treasurer, and the Township Clerk shall deliver said special assessment roll to said Treasurer with his warrant attached, commanding the Treasurer to collect such assessments in accordance with the direction of the Township Board and said P.A. 188 of 1954.*

*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.*

Motion to adopt Resolution No. 2000-29 as presented.

Motion by: Mueller

Seconded: Ketchmark

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

Nays: None

Absent: Lambert

Motion carried. Resolution declared adopted.

**2001 Fenton Township Budget**

Supervisor Gabrielson opened the public hearing on the 2001 Fenton Township Budget. Trustee Mathis questioned the large increase in State Shared Revenue. Supervisor Gabrielson responded that the 2000 Census will result in a significant population increase, which will increase our share of the sales tax revenue.

Public Comment:

Paul Price & Carol Price, 12459 Jennings Road

Mr. Price stated that he was unable to obtain a copy of the budget last week at the township office. Mr. Price was provided with an extra copy of the budget. Supervisor Gabrielson noted that any such requests should go directly to the Supervisor, Clerk or Deputy Clerk. Ms. Price suggested that action on the budget be postponed because advance copies were not available.

There was no further public comment.

Trustee McKenna suggested that the resolution adopting the budget could easily be moved to the 10/2/00 agenda. Supervisor Gabrielson closed the public hearing, but noted that public comment would still be accepted prior to action on the budget resolution at the 10/2/00 meeting.

**REPORTS:**

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 18, 2000**

**Local Road Improvement Projects**

Supervisor Gabrielson reported that the Main Road and Grove Park Road re-paving projects would be starting this week. Both roads will be closed to through traffic from 9/20/00 to 10/7/00.

**Fenton Township Civic Community Center Driveway Project**

Supervisor Gabrielson reported that the demolition work for the driveway project had already begun. The entire project should be complete within a few weeks.

**COMMUNICATIONS:**

None

**UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:**

**Rezoning #337, Donald Cohoon, parcel 06-10-300-012; AG & R-1A to PUD / 1<sup>st</sup> Reading**

Supervisor Gabrielson reviewed the proposed rezoning and conceptual plan, which would provide senior housing and nursing care facilities. It was noted that the applicant was not present at the meeting. Trustee McKenna reported that the Planning Commission had recommended denial of the proposed rezoning. The commissioners liked the concept of the plan with a variety of living styles and amenities. The proposed 290 total units, however, was too dense. The Land Use Plan calls for low-density development in this area.

Public Comment:

The following individuals spoke in opposition of the proposed rezoning:

Carol Price, 12459 Jennings Road  
Marilyn Bonner, 12083 Jennings Road  
Tom Richards, 12425 Jennings Road  
A.J. Deeds, 3354 Horrell Court  
Sandra Wood, 3311 Lahring Road  
Robert Wirostek, 3291 Lahring Road

Their concerns/objections included:

- Commercial use in a residential/rural area
- Proposed uses not consistent with Master Plan
- Enforcement of restrictions if approved
- Proposed plan is too dense for the area
- Potential affect on surrounding property values
- Potential affect on local schools and roads
- Impact on overall quality of life

There was no further discussion. The second reading of the proposed rezoning ordinance will be conducted at the 10/2/00 meeting.

**UNFINISHED BUSINESS-OTHER:**

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 18, 2000**

**Appointment to Fenton Township Planning Commission**

Supervisor Gabrielson, after interviewing four excellent candidates, is recommending the appointment of John Tucker to the Fenton Township Planning Commission.

Motion to appoint John R. Tucker to the Fenton Township Planning Commission for the term ending May 31, 2003.

Motion by: Gabrielson

Seconded: Mueller

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

Nays: None

Absent: Lambert

Motion carried.

**NEW BUSINESS:**

**Scheduling of CDBG Needs Hearing**

Supervisor Gabrielson reviewed a memo from Office Manager Broecker requesting that the board schedule a Community Development Block Grant (CDBG) public needs hearing for the 10/2/00 meeting. This hearing is required to obtain input regarding potential CDBG projects.

Motion to schedule a Community Development Block Grant public needs hearing to be conducted at the October 2, 2000 Fenton Township Board meeting.

Motion by: Mueller

Seconded: Garfield

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

Nays: None

Absent: Lambert

Motion carried.

**Proposed Special Assessment District – Silver Ridge Subdivision Wall**

Supervisor Gabrielson reviewed a petition from five property owners in the Silver Ridge subdivision requesting a special assessment district to construct a concrete wall adjacent to their properties. Before acting on a public hearing, the issue of financing must first be addressed. The estimated cost of \$40,000.00 is much too small to do a bond issue. The other financing alternative would be to finance the project using cash reserves from the Fenton Township Sewer Fund. This approach would be similar to the Skyline Drive and Malibu Court private road paving special assessments approved in prior years. It would serve as an investment for the Sewer Fund, earning interest at a rate determined by the township board.

Motion to authorize the use of Fenton Township Sewer Fund cash reserves to finance a project to construct a concrete wall within the Silver Ridge subdivision, subject to the final approval of a special assessment district and confirmation of a special assessment roll.

Motion by: Mueller

Seconded: Garfield

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 18, 2000**

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

Clerk Mueller then presented the following resolution:

**RESOLUTION NO. 2000-31**

*WHEREAS, the Fenton Township Board has accepted a petition from the record owners of properties within the Silver Ridge subdivision to establish a special assessment district for the construction of a concrete wall within a certain section of the subdivision, and*

*WHEREAS, it has been determined that the petition has been signed by the record property owners representing over 50% of the land area in the proposed special assessment district, and*

*WHEREAS, plans and estimated costs for the foregoing wall construction have been placed on file in the office of the Township Clerk,*

*THEREFORE BE IT RESOLVED, that the Fenton Township Board does hereby tentatively declare its intent to have a concrete wall constructed adjacent to lots 69-73, inclusive, of the Silver Ridge No. 3 subdivision, and*

*BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby tentatively establish the boundaries of the proposed special assessment district to include Lots 69, 70, 71, 72 and 73 of the Silver Ridge No. 3 subdivision, and*

*BE IT FURTHER RESOLVED, that the Fenton Township Board will hold a public hearing on the establishment of the proposed special assessment district at its regular meeting to be held on Monday October 2, 2000 at the Fenton Township Civic Community Center, beginning at 7:30 p.m.*

Motion to adopt Resolution No. 2000-31 as presented.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Absent: Lambert

Motion carried. Resolution declared adopted.

**Motor Vehicle Code, Marine Traffic and Nuisance Ordinances**

Trustee Ketchmark reviewed the issue of adopting the appropriate ordinances to prosecute various offenses locally, which would generate more revenue for the township. After placing an advertisement and interviewing attorneys, she is recommending the

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 18, 2000**

hiring of Thomas M. Donnellan to draft these ordinances at a rate of \$110.00 per hour, with a cap of \$10,000.00. Trustee Ketchmark made a motion to that effect, which was seconded by Trustee Mathis.

Discussion:

Clerk Mueller questioned the township's authority to enact a marine control ordinance. The DNR typically has authority on lakes and streams. More investigation may be necessary before proceeding further.

Treasurer Garfield suggested that the township should hire an attorney that already performs similar services to other townships. Trustee Mathis responded that she believes the attorney should be selected from those who responded to the advertisement. Clerk Mueller agreed with Treasurer Garfield, adding that other municipalities already have similar ordinances in place that could be easily and quickly adapted for use by Fenton Township.

Supervisor Gabrielson noted that, regardless of which attorney eventually drafts the ordinances, the Ordinance Enforcement Officer should work with that attorney regarding the general nuisance ordinances.

Trustee McKenna stated that he is not prepared to approve the hiring of an attorney at this time. There are issues to be resolved and a proposed contract must be drafted before action can be taken. The board asked Attorney Cooley to draft a contract for the drafting of ordinances.

The previous motion and second were withdrawn.

Public Comment:

DuWayne Stratman, 14240 Darts Drive

Mr. Stratman stated concern regarding the proposed action to prosecute traffic tickets locally and making violations of nuisance ordinances misdemeanors. He believes that the deputies will be given "quotas" for ticket issuance to justify the cost of prosecution. He would prefer that the officers be available to protect him and his family, as opposed to writing lots of tickets. He also questioned the legal authority of the Ordinance Enforcement Officer to issue tickets for misdemeanor offenses.

Leslie Scott, 12499 Margaret Drive

Mr. Scott disagreed with Mr. Stratman, stating that it is not the responsibility of the police officers to protect individuals, but the entire community.

**OTHER ISSUES-TOWNSHIP BOARD:**

None

**PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:**

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 18, 2000**

None

**ADJOURN:** Meeting adjourned at 9:15 p.m.

---

Carl Gabrielson, Supervisor

---

Charles Mueller, Clerk

**Minutes Posted 9/22/00**