

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 2, 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, Ketchmark, Lambert, Mathis, McKenna, Office
Manager Broecker and Attorney Cooley.

Absent: Garfield

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Supervisor Gabrielson requested that discussion of drainage issues be added to the agenda.

Motion to approve the 10/2/00 Fenton Township Board Meeting agenda as amended.

Motion by: Gabrielson

Seconded: Ketchmark

Ayes: All Present

Nays: None

Absent: Garfield

Motion carried. The agenda is approved.

MEETING MINUTES:

Trustee McKenna noted that he had found an error in the minutes regarding the closing of Grove Park road for re-paving. The DNR public access has remained open and boats can be taken in and out. The final version of the minutes has already been corrected. The minutes of the 9/18/00 regular meeting stand approved as corrected.

EXPENDITURES:

Motion to approve invoices for payment as presented.

Motion by: McKenna

Seconded: Lambert

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

Nays: None

Absent: Garfield

Motion carried.

PUBLIC HEARINGS:

Silver Ridge Subdivision Wall Special Assessment District/1st Hearing

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Supervisor Gabrielson reviewed the proposed special assessment district to construct a wall adjacent to five lots in the Silver Ridge subdivision. He referred to a memo from Office Manager Broecker, which indicated that the project could be funded by the Sewer Fund, through a loan to the General Fund. There was no public comment. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2000-32

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 wall construction 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 2nd day of October, 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 Silver Ridge Subdivision Wall 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 construction of a concrete wall adjacent to lots 69-73 of the Silver Ridge Subdivision as prepared and presented, and the estimated costs thereof of \$35,102.20, 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 Silver Ridge Subdivision Wall Special Assessment District, within which the costs of such improvements shall be assessed, the following described area within said township:

Lots 69, 70, 71, 72 and 73 of the Silver Ridge No. 3 Subdivision

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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 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. 2000-32 as presented.

Motion by: Mueller

Seconded: Ketchmark

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

Nays: None

Absent: Garfield

Motion carried. Resolution declared adopted.

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

RESOLUTION NO. 2000-33

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 \$35,102.20 covering all parcels of land within the Silver Ridge Subdivision Wall 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 October 16, 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 Silver Ridge Subdivision Wall Special Assessment District as shown

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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. 2000-33 as presented.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Absent: Garfield

Motion carried. Resolution declared adopted.

Community Development Public Needs Hearing

Supervisor Gabrielson opened the public needs hearing for the 2001 Community Development Block Grant program. He also reported that communities in Genesee County would be funded once every three years instead of every year. For 2001 Fenton Township will receive approximately \$104,000.00.

Public Comment:

Cheryl Clark, 12177 Dalhart Drive

Ms. Clark asked the board to consider the improvement of Dalhart Drive. The street has numerous potholes and is in very poor condition. Drainage is also a serious problem. Supervisor Gabrielson noted that the township pursued a CDBG project to provide gravel and ditching for Dalhart Drive and Madison Street last year. Unfortunately, the income survey results determined that the project was not eligible. Supervisor Gabrielson added that he would continue to work with the Genesee County Road Commission to resolve the problems on Dalhart and Madison.

Leslie Scott, 12499 Margaret Drive

Mr. Scott asked about the possibility of using the grant funds for road paving projects or drainage improvements. It was pointed out that any such project would be subject to income eligibility. Additionally, most paving projects would be too costly to fund completely with CDBG funds. A special assessment district would be more feasible, with eligible households having their assessment paid with grant funds.

There was no further public comment.

Additional discussion by the board included the following potential projects:

- Loose Senior Citizen Center Operations
- Loose Senior Citizen Center Improvements (renovations, expansion, repairs, etc.)
- Weather Warning Sirens
- Non-Motorized Trails (hiking & biking)
- Senior Safety/Security Program (smoke detectors, security devices, etc.)
- Parks & Recreation Improvements

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The public hearing was closed. Recommendations for project applications will be brought back to the board at the 10/16/00 meeting.

REPORTS:

Fire Department

Supervisor Gabrielson commended the Fire Department for saving a very old house during a structure fire.

Election Commission

Clerk Mueller announced that the Fenton Township Election Commission will meet at 7:00 p.m. on Monday October 16, 2000. The purpose of the meeting is to formally appoint election inspectors for the November 7, 2000 General Election.

COMMUNICATIONS:

Supervisor Gabrielson announced that Saturday 10/7/00 is Household Hazardous Waste Collection day in Genesee County. Materials such as car batteries, pesticides and other hazardous materials can be dropped off at no cost. The closest collection center will be Swartz Creek High School from 10:00 a.m. to 2:00 p.m.

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS-OTHER:

Adoption of 2001 Fenton Township Budget

Supervisor Gabrielson briefly reviewed the 2001 budget, which was the subject of a public hearing at the last meeting. Office Manager Broecker provided responses to board questions on specific line items. Clerk Mueller presented the following resolution:

**RESOLUTION NO. 2000-30
GENERAL APPROPRIATIONS ACT**

The Board of Trustees of the Charter Township of Fenton resolves:

Section 1: Title

This resolution shall be known as the Fenton Township General Appropriations Act.

Section 2: Chief Administrative Officer

The Supervisor shall be the Chief Administrative Officer and shall perform the duties of the Chief Administrative Officer enumerated in this act.

Section 3: Fiscal Officer

The Clerk shall be the Fiscal Officer and shall perform the duties of the Fiscal Officer enumerated in this act.

Section 4: Public Hearings on the Budget

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Pursuant to MCLA 42.26, notice of a public hearing on the proposed budget was published in a newspaper of local circulation on September 10, 2000, and a public hearing on the proposed budget was held on September 18, 2000.

Section 5: Estimated Revenues

Estimated township General Fund revenues for fiscal year 2001, including an allocated millage of one (1) mill, and various miscellaneous revenues shall total \$1,880,600.

Estimated township Fire Fund revenues for fiscal year 2001 shall total \$579,000.

Estimated township Sewer Fund revenues for fiscal year 2001, including an allocated millage of 0.8319 mills, and various miscellaneous revenues shall total \$1,974,200.

Estimated township Mosquito Control Fund revenues for fiscal year 2001 shall total \$66,000.

Estimated township Solid Waste Management Fund revenues for fiscal year 2001 shall total \$480,000.

Section 6: Millage Levy

The Fenton Township Board shall cause to be levied and collected the general property tax on all real and personal property within the township upon the current tax roll an amount equal to one (1) mill for general township operations and 0.8319 mills for sewer debt retirement as set forth by the Tax Allocation Board.

Section 7: Estimated Expenditures

Estimated township General Fund expenditures for fiscal year 2001 for the various township cost centers are as follows:

<i>101-Township Board</i>	<i>\$ 88,400</i>
<i>171-Supervisor</i>	<i>58,200</i>
<i>191-Elections</i>	<i>0</i>
<i>209-Assessor</i>	<i>99,000</i>
<i>215-Clerk & General Administration</i>	<i>403,900</i>
<i>247-Board of Review</i>	<i>2,300</i>
<i>253-Treasurer</i>	<i>25,800</i>
<i>265-Building & Grounds</i>	<i>82,000</i>
<i>276-Cemeteries</i>	<i>5,000</i>
<i>301-Law Enforcement</i>	<i>374,000</i>
<i>336-Fire Department</i>	<i>125,000</i>
<i>371-Inspection/Ordinance Enforcement</i>	<i>93,500</i>
<i>401-Planning & Zoning</i>	<i>37,200</i>
<i>445-Drains At Large</i>	<i>35,000</i>
<i>446-Highways, Roads & Bridges</i>	<i>273,100</i>
<i>805-Auditorium - Civic Center</i>	<i>11,500</i>

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815-Zoning Board of Appeals	9,700
865-Insurance	<u>135,500</u>
TOTAL	\$ 1,859,100

Estimated township Fire Fund expenditures for fiscal year 2001 for the various township cost centers are as follows:

265-Building & Grounds	\$ 51,600
336-Fire Dept. Operations	383,700
865-Insurance	<u>38,000</u>
TOTAL	\$ 473,300

Estimated township Sewer Fund expenditures for fiscal year 2001 for the various township cost centers are as follows:

000-County Services/Debt	\$ 1,382,000
536-Sewer Operations	374,300
865-Insurance	<u>11,000</u>
TOTAL	\$ 1,767,300

Estimated township Mosquito Control Fund expenditures for fiscal year 2001 shall total \$104,000.

Estimated township Solid Waste Management Fund expenditures for fiscal year 2001 shall total \$480,000.

Section 8: Adoption of Budget by Reference

The General Fund, Sewer Fund, Fire Fund, Mosquito Control Fund and Solid Waste Management Fund budgets of the Charter Township of Fenton are hereby adopted by reference, with revenues and activity expenditures as indicated in Sections 5 and 7 of this act.

Section 9: Adoption of Budget by Cost Center

The Board of Trustees of the Charter Township of Fenton adopts the 2001 fiscal year General Fund, Fire Fund and Sewer Fund budgets by cost center. Township officials responsible for the expenditures authorized in the budget may expend township funds up to, but not to exceed, the total appropriation authorized for each cost center, and to make transfers among the various line items contained in the cost center appropriation.

Section 10: Appropriation not a Mandate to Spend

Appropriations shall be deemed maximum authorizations to incur expenditures. The fiscal officer shall exercise supervision and control to ensure that expenditures are within appropriations, and shall not issue any township order for expenditures that exceed appropriations.

Section 11: Transfer Authority

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The Chief Administrative Officer shall have the authority to make transfers among the various cost centers without prior board approval, if the amount to be transferred does not exceed \$10,000 or 10% of the appropriation item from which the transfer is to be made, whichever is less. The Board shall be notified at its next meeting of any such transfer made, and reserves the right to modify, amend or nullify any such transfers made. Under no circumstances may the total General Fund budget be changed without prior board approval.

Section 12: Periodic Fiscal Reports

The fiscal officer shall transmit to the board within 30 days of the end of each quarter, a report of financial operations, including, but not limited to:

- a. a summary statement showing the receipts and expenditures and encumbrances for the previous month, and for the current fiscal year to the end of the previous month.*
- b. a detailed list of:*
 - i. expected revenues by major source as estimated in the budget; actual receipts to date for the current fiscal year; and the balance of estimated revenues to be collected in the then current fiscal year.*
 - ii. for each cost center: the amount appropriated; the amount charged to each appropriation in the previous quarter month for the current fiscal year; and the unencumbered balance of appropriations;*

Section 13: Limit on Obligations and Payments

No obligation shall be incurred against, and no payment shall be made from any appropriation account unless there is sufficient unencumbered balance in the appropriation and sufficient funds are or will be available to meet the obligation.

Section 14: Budget Monitoring

Whenever it appears to the Chief Administrative Officer or Township Board that the actual and probable revenues in any fund will be less than the estimated revenues upon which appropriations from such fund were based, and when it appears that the expenditures shall exceed an appropriation, the Chief Administrative Officer shall present to the township board recommendations to prevent expenditures from exceeding available revenues or appropriations for the current fiscal year. Such recommendations shall include proposals for reducing appropriations, increasing revenues, or both.

Section 15: Violations of This Act

Any obligation incurred or payment authorized in violation of this resolution shall be void and shall subject any responsible official(s) or employee(s) to disciplinary action as outlined in P.A. 621 (1978).

Section 16: Board Adoption

Motion to adopt Resolution No. 2000-30 as presented.

Motion by: Mueller

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

Motion carried. Resolution declared adopted.

Workshop Meeting – 10/7/00

Supervisor Gabrielson noted that there did not appear to be a need for this Saturday's workshop and recommended cancellation of Saturday's meeting.

Motion to cancel the Fenton Township Board workshop meeting scheduled for Saturday October 7, 2000.

Motion by: Gabrielson
Seconded: Mueller
Ayes: All Present
Nays: None
Absent: Garfield

Motion carried.

Drafting of Vehicle Code & General Nuisance Ordinances

Supervisor Gabrielson reviewed this issue, noting that the township had been pursuing the idea of hiring an "outside" attorney to draft these new ordinances based on the assumption that the township attorney was not interested in providing prosecution services. This apparently was a misunderstanding on our part. Therefore, Mr. Cooley has submitted a proposal to perform this work for Fenton Township. He has provided an opinion that the township does not have the authority to adopt an ordinance governing boating/marine activities. The other ordinances should not be time consuming and should cost the township less than \$1,000.00. The Police Committee (Trustees Ketchmark and Mathis) have already discussed the issue with Attorney Cooley and are in agreement that having the township attorney complete this work is the best alternative.

Motion to authorize Fenton Township Attorney Richard E. Cooley to proceed with the drafting of the appropriate ordinances to adopt the Michigan Vehicle Code and to change the penalty provisions of certain "nuisance" ordinances to designate violations as misdemeanors.

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

Motion carried.

NEW BUSINESS:

Resolution No. 2000-34/Tavern License w/Entertainment Permit-Head 2 Head, LLC

Office Manager Broecker reported that a revision was necessary to the resolution adopted on June 5, 2000 that recommended the issuance of a Tavern License to the *Head 2 Head*

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video game establishment. After reviewing this business, the Michigan Liquor Control Commission has determined that they also require an Entertainment Permit to go with the Tavern License. This is due to the fact that the business is running video game leagues where prizes are involved. In order to receive their Tavern License with Entertainment Permit, another resolution from the township board is required.

Rob McColgan, one of the owners of the establishment, assured the board that the entertainment permit would not be used for any other purpose. They have no plans to add dancing or live music to their business. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2000-34

*WHEREAS, **Head 2 Head, LLC** has requested that the Charter Township of Fenton Board of Trustees recommend the issuance of a Tavern License with Entertainment Permit 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 with Entertainment Permit 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. 2000-34 as presented.

Motion by: Mueller

Seconded: Mathis

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

Nays: None

Absent: Garfield

Motion carried. Resolution declared adopted.

Amendments to 2000 Fenton Township Budget

Office Manager Broecker reviewed the quarterly budget amendments. The net change to the General Fund was a negative \$20,000.00. Approximately \$10,000.00 was due to increased legal fees and another \$10,000.00 resulting from the removal of the 1% administration fee from special assessments on the property tax roll. All other changes are relatively minor.

Motion to approve amendments to the 2000 Fenton Township Budget, as presented.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Absent: Garfield

Motion carried.

2000/01 Law Enforcement Services Contract-Genesee County Sheriff Department

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Supervisor Gabrielson reviewed the proposed 1-year contract with the Genesee County Sheriff Department. The contract is virtually the same as last year's, with the addition of the second leased car. The same five deputies will be assigned to Fenton Township. The total cost of approximately \$341,000 looks to be very reasonable.

Motion to approve the 2000-2001 Law Enforcement Services Agreement with the Genesee County Sheriff Department as presented.

Motion by: Gabrielson

Seconded: Ketchmark

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

Nays: None

Absent: Garfield

Motion carried.

Drainage Issues – City of Fenton

Supervisor Gabrielson reported that the recent heavy rains had resulted in severe flooding and drainage problems along the Egyptian Drain and Lake Ponemah. He asked that one of the many people in attendance act as spokesperson to present the concerns of the residents.

Rochelle Molyneaux, 3384 Ponemah Drive

Ms. Molyneaux circulated several photographs showing the severity of the recent flooding. The residents have been informed that the dam in Linden is not functioning properly and it was not opened when it should have been to alleviate the flooding problems. The Silver Lake Village development in the City of Fenton dumped large amounts of mud and debris into the Egyptian Drain, which flowed into Lake Ponemah. She asked that a moratorium be placed on any development that would utilize the Egyptian Drain until the problems can be adequately resolved.

Supervisor Gabrielson agreed with Ms. Molyneaux's concerns, adding that the City of Fenton simply is not doing enough to prevent erosion problems. The detention ponds in the Silver Lake Village development are not functioning properly. Within 24 hours of the heavy rains, the main pond across from the Kmart store was already empty. Clerk Mueller reported that he had met with Fenton Mayor Sue Osborn and Councilman Ed Angeluski regarding the township's concerns. They seemed very receptive to the idea of a joint effort to finally resolve these problems. Supervisor Gabrielson recommended that he and Clerk Mueller consult with Attorney Cooley to explore possible courses of action from a legal perspective. The board agreed with this approach.

OTHER ISSUES-TOWNSHIP BOARD:

Trustee Ketchmark reported that the requested Marine Patrol report for 2000 has still not been provided to the township.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Leslie Scott, 12499 Margaret Drive

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Mr. Scott reminded the board that the previous administration of the City of Fenton had promised to set up a committee to discuss drainage issues. This committee was to include members of local lake associations. To date no such committee has been established.

Cheryl Clark, 12177 Dalhart Drive

Ms. Clark asked about the construction currently under way next to the Fenton Township Fire Station. She has heard rumors that it was to be some sort of low-security prison or half-way house. Supervisor Gabrielson responded that those rumors are absolutely false. The project consists of a 20-unit assisted living apartment complex for senior citizens.

ADJOURN: Meeting adjourned at 9:10 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 10/5/00