

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF OCTOBER 16, 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, Office Manager  
Broecker and Attorney Cooley.

Absent: Mathis, McKenna

**PLEDGE OF ALLEGIANCE:**

Supervisor Gabrielson led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Motion to approve the 10/16/00 Fenton Township Board Meeting agenda as presented.

Motion by: Ketchmark

Seconded: Mueller

Ayes: All Present

Nays: None

Absent: Mathis, McKenna

Motion carried. The agenda is approved.

**MEETING MINUTES:**

The minutes of the 10/2/00 regular meeting stand approved as presented.

**PRESENTATIONS:**

**Genesee County Sheriff Department Update**

Captain Michael Compeau provided the board with a monthly law enforcement update and an annual report on Marine Patrol activities.

**Southern Lakes Regional Metropolitan Parks & Recreation District**

Linden City Councilor David Lossing addressed the board regarding the ballot proposal for the *Southern Lakes Regional Metropolitan Parks & Recreation District*. Mr. Lossing is c-chair of a committee formed to promote this proposal. If approved, the charter will allow the levy of up to .4 mills on property taxes in the townships of Fenton, Tyron and Argentine, as well as the cities of Fenton and Linden. This would generate much needed revenues for area recreational programs and for the Loose Senior Citizen Center. He urged the board to adopt a resolution of support for the ballot proposal.

**EXPENDITURES:**

Motion to approve invoices for payment as presented.

Motion by: Garfield

Seconded: Ketchmark

Ayes: Gabrielson, Mueller, Garfield, Ketchmark, Lambert

Nays: None

Absent: Mathis, McKenna

Motion carried.

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**PUBLIC HEARINGS:**

**Silver Ridge Subdivision Wall Special Assessment District/2<sup>nd</sup> Hearing**

Supervisor Gabrielson reviewed the proposed special assessment district to construct a wall adjacent to five lots in the Silver Ridge subdivision. Treasurer Garfield questioned the financing method for this project. Office Manager Broecker responded that the township's auditor has confirmed that the funds can be loaned from the Sewer Fund to the General Fund and the project can then be financed from the General Fund. Contrary to discussions at a previous board meeting, there is no requirement to repay the Sewer Fund within one year. There was no public comment. Clerk Mueller presented the following resolution:

**RESOLUTION NO. 2000-35**

*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 defraying the costs of the improvement project proposed to be initiated within the Silver Ridge Subdivision Wall Special Assessment District as shown on the plans and specification for such project;*

*AND WHEREAS, such public hearing was preceded by proper notice in a newspaper of general circulation in the Township, and by First Class Mail notice to each property owner of record within said district and upon said assessment roll;*

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

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

*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 submitted, 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. 2001-1 and shall hereby be confirmed as the assessment roll for the Silver Ridge Subdivision Wall Special Assessment District.*

*BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2001-1 shall be divided into ten (10) equal annual installments of principal with the first installment to be due on or before December 1, 2001 and the following installments to be due on or before the first day of December of each year thereafter. All unpaid installments prior to their transfer to the tax roll as provided by Michigan Public Act 188 of 1954, as amended, shall bear interest payable annually on each installment due date at a rate equal to seven percent (7%) per annum commencing on the date of payment by the Township for the cost of the improvement.*

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*Any payments made before such payment by the Township shall not bear any such interest.*

*BE IT FURTHER RESOLVED, if any installment of a special assessment is not paid when due, then the installment 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% 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.*

*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 FURTHER 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. 2000-35 as presented.

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

Motion carried. Resolution declared adopted.

Motion to:

1. Loan up to \$35,102.20 from the Sewer Fund to the General Fund. Said funds to be repaid, bearing an interest rate of 7%, as special assessment payments are posted to the General Fund.
2. Finance the wall construction project approved for the Silver Ridge Subdivision Wall Special Assessment District from the General Fund.

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

Motion carried.

**REPORTS:**

None

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**COMMUNICATIONS:**

None

**UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:**

**Rezoning #344, Steven Stadler; part of 06-04-400-017, AG to R-1A/1<sup>st</sup> Reading**

Supervisor Gabrielson reviewed the proposed rezoning, which was recommended for approval by the Planning Commission. Mr. Stadler explained that he had previously rezoned approximately 33,000 square feet but did not follow through with splitting the property. The current minimum lot size in R-1A is 1 acre. By rezoning an additional 20,000 square feet to R-1A he can split the 1.22-acre parcel from the remaining AG piece. There was no public comment. The second reading of the proposed rezoning ordinance will be conducted at the 11/6/00 meeting.

**UNFINISHED BUSINESS-OTHER:**

**2001 CDBG Projects**

Office Manager Broecker reviewed recommendations for 2001 Community Development Block Grant projects. As in years past, many of the proposed projects discussed at the needs hearing would not be eligible for funding. The items discussed that would be eligible include:

- Allocation of funds for Loose Senior Citizen Center operations (maximum 15% of annual entitlement)
- Purchasing safety/security items (smoke alarms, window bars, etc.) for area senior citizens. This would also fall under the 15% cap for public service projects.
- Allocation of funds for Loose Senior Center improvements.

The board decided not to pursue the senior safety program, which would reduce the amount allocated to the Loose Senior Citizen Center. The center, however, could establish a senior safety program independent of the CDBG funding.

The board also reviewed a joint request from Mt. Morris and Genesee Townships for an inter-local loan of CDBG funds to help them purchase a new fire truck. They are seeking \$140,000. Fenton Township will have approximately \$100,000 available to loan to these communities, subject to board approval. The board agreed this would be a good use of the funds.

Motion to authorize the appropriate resolutions and agreements to:

1. Allocate 15% of our annual CDBG entitlement to the City of Linden's CDBG project account for the operation of the Loose Senior Citizen Center.
2. Allocate \$40,000.00 to the City of Linden's CDBG project account for improvements to the Loose Senior Citizen Center.
3. Loan \$100,000.00 in CDBG funds to Mt. Morris Township and Genesee Township for the purchase of a new fire truck.

Motion by: Mueller

Seconded: Ketchmark

Ayes: Gabrielson, Mueller, Garfield, Ketchmark, Lambert

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Nays: None  
Absent: Mathis, McKenna

Motion carried. The appropriate resolutions and inter-local loan agreement will be presented at a future board meeting.

**NEW BUSINESS:**

**Resolution No. 2000-36 / Sewer Debt Obligations-2001**

Office Manager Broecker reported that Genesee County Water & Waste Services has requested a resolution stating the source of funds for payment of sewer bond debt in 2001. Clerk Mueller presented the following resolution:

**RESOLUTION NO. 2000-36**

*WHEREAS, the Charter Township of Fenton has a need to pay to the County of Genesee the sum of \$1,616,348.21 to meet the bond principal and interest requirements on all bond obligations for sewer facilities in 2001; and*

*WHEREAS, there are several means by which the funds can be secured to meet these payments; and*

*WHEREAS, all various means of securing these funds have been reviewed and considered;*

*NOW THEREFORE BE IT RESOLVED, by the Charter Township of Fenton, that the monies to meet the principal and interest requirements on all bond obligations for sewer facilities in 2001 will be secured from the following funds.*

<i>Funds Already Available</i>	<i>\$ 28,832.21</i>
<i>Tap-In Fees to be Collected</i>	<i>\$ 750,000.00</i>
<i>Funds from Monthly Rates for Services</i>	<i>\$ 465,600.00</i>
<i>General Fund</i>	<i>\$</i>
<i>Ad-Valorem Levy</i>	<i>\$ 371,916.00</i>
<i>Other</i>	<i>\$</i>
<b><i>Grand Total:</i></b>	<b><i>\$ 1,616,348.21</i></b>

*BE IT FURTHER RESOLVED, that the Township Clerk is hereby directed to forward one (1) copy of this Resolution to the County Agency, and retain one (1) copy for the Fenton Township records.*

Motion to adopt Resolution No. 2000-36 as presented.

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

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Motion carried. Resolution declared adopted.

**Community Development Block Grant Cooperative Agreement**

Office Manager Broecker reported that Genesee County Community Development is requesting each local unit of government to decide whether or not to continue the existing CDBG cooperative agreement with the county.

Motion that the Charter Township of Fenton remains in the Genesee County Community Development Block Grant program for the fiscal years of 2001 through 2003.

Motion by: Mueller

Seconded: Ketchmark

Ayes: Gabrielson, Mueller, Garfield, Ketchmark, Lambert

Nays: None

Absent: Mathis, McKenna

Motion carried.

**Resolution No. 2000-37 / Southern Lakes Regional Metro Parks & Rec. District Proposal**

Supervisor Gabrielson asked the board to consider adopting a resolution supporting the ballot proposal for the Southern Lakes Regional Metropolitan Parks & Recreation District, as discussed earlier this evening. Clerk Mueller presented the following resolution:

**RESOLUTION NO. 2000-37**

*WHEREAS, the Charter Township of Fenton has been cooperating with the townships of Tyrone and Argentine, the cities of Fenton and Linden and several area school districts to create a recreation authority, and*

*WHEREAS, a proposal to approve the charter for the Southern Lakes Regional Metropolitan Parks & Recreation District, and to raise four-tenths of a mill in revenue for this purpose has been drafted and accepted by the State of Michigan to appear on the November 7, 2000 General Election ballot, and*

*WHEREAS, this proposal, if passed by the voters, would raise much-needed revenue for local recreation programs and for the Loose Senior Citizen Center, and*

*WHEREAS, approval of the ballot proposal would be in the best interests of all our citizens;*

*THEREFORE BE IT RESOLVED, that the Fenton Township Board of Trustees hereby declares its support for the passage of the ballot proposal to approve the charter for the Southern Lakes Regional Metropolitan Parks & Recreation District.*

Motion to adopt resolution No. 2000-37 as presented:

Motion by: Mueller

Seconded: Garfield

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

Motion carried. Resolution declared adopted.

**Proposed Water/Drainage Study – Rowe Incorporated**

Supervisor Gabrielson asked the board to authorize the Township Engineer to conduct a drainage study for the Egyptian Drain region. The purpose of the study would be to determine the flow rates from as far back as 1970 to determine the impact of the past 30 years of development. This study could be compared to existing drain plans and calculations to help formulate a solution to the ongoing drainage problems that exist in this area.

Motion to authorize the expenditure of up to \$5,000 for the Township Engineer to prepare a historical drainage study for the Egyptian Drain area.

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

Motion carried.

**Authorization for Legal Action-Commercial Site Plan Violation**

Supervisor Gabrielson reported that Robert Cherba has not complied with the requirements of his commercial site plan approval for his business located at 11204 Phoenix Drive, (off West Thompson Road). Specifically, he has failed to construct a road to Genesee County standards, despite several deadline extensions. Supervisor Gabrielson asked the board to authorize legal action to force Mr. Cherba to comply with the requirements of his site plan approval, or have the business closed.

Motion to authorize the Township Attorney to take appropriate legal action against Robert Cherba for failure to comply with requirements of his commercial site plan approval for his business located at 11204 Phoenix Drive.

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

Motion carried.

**OTHER ISSUES-TOWNSHIP BOARD:**

None

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

None

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

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Carl Gabrielson, Supervisor

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Charles Mueller, Clerk

**Minutes Posted 10/17/00**