

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JANUARY 22, 2001**

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

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

Present: Gabrielson, Garfield, Krug, Mathis, McKenna, Rowe, Office Manager
Broecker and Attorney Cooley.

Absent: Mueller

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Supervisor Gabrielson asked to have the following items added to the agenda:

Appointment of Prosecuting Attorney
Removal of Transfer Affidavit Late Filing Penalty Fee

Motion to approve the 1/22/01 Fenton Township Board Meeting agenda as amended.

Motion by: Mathis
Seconded: Krug
Ayes: All Present
Nays: None
Absent: Mueller

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 1/8/01 regular meeting and the 1/13/01 workshop meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices for payment as presented.

Motion by: McKenna
Seconded: Krug
Ayes: Gabrielson, Garfield, Krug, Mathis, McKenna, Rowe
Nays: None
Absent: Mueller

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

Ordinance Enforcement Update

Supervisor Gabrielson reviewed a quarterly report from Ordinance Enforcement Officer Adair Rowe. A total of 37 violation cases were processed during the 4th quarter of 2000. This report will continue to be generated on a quarterly basis.

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Michigan Townships Association Educational Conference

Supervisor Gabrielson reported that he, Treasurer Garfield, Trustee McKenna, Trustee Rowe and Office Manager Broecker attended the 2001 MTA Educational Conference in Grand Rapids. All attendees felt that the conference was very beneficial and were impressed with the quality of the various seminars offered.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Rezoning #348, Joel Price, 06-29-200-004 & part of 06-29-200-003; AG & M2 to PUD/1st Reading

Supervisor Gabrielson reviewed the proposed rezoning ordinance for a proposed aviation subdivision to be developed around the existing airport. Trustee McKenna reported that the Planning Commission recommended approval of the rezoning. They felt the concept plan represented a good use of the property, at a density significantly lower than shown on the township's Land Use Plan. He added, however, that the Zoning Ordinance must be amended before this rezoning ordinance can be adopted. The PUD section of the ordinance does not currently allow AG uses. Since airports are only permitted in the AG zoning district, the PUD section needs to be amended. Supervisor Gabrielson agreed, adding that the first reading could take place at this meeting but the second reading would have to wait until the Zoning Ordinance text amendment can be adopted.

Larry Atkins, representing the applicant, provided an overview of the aviation subdivision concept plan. The plan includes 63 detached single family homes and 58 attached single family dwelling units. Some of the units have attached airplane hangars, others have detached structures. A portion of the hangar area will be rented to owners of airplanes that are not residents of the subdivision. Several board members asked questions and discussed issues related to safety and other controls. Mr. Atkins and Cody Welch (one of the developers) assured the board that all aspects of the airport operations are strictly controlled by the Michigan Department of Transportation-Bureau of Aeronautics and the Federal Aviation Administration. After further discussion, the board asked Supervisor Gabrielson to do some additional research regarding the zoning changes necessary to permit the proposed development. It was noted that additional conditions or other revisions to the rezoning ordinance could be part of a "revised" first reading at the 2/5/01 meeting, if necessary, without affecting the approval time line.

Public Comment:

Leslie Scott, 12499 Margaret Drive

Mr. Scott attended the Planning Commission public hearing on this request. In his opinion, all concerns regarding safety and noise were adequately addressed. He supports the concept plan and also noted that this proposed development would still result in a public airport.

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There was no further discussion. The second reading of the proposed rezoning ordinance will be placed on the 2/19/01 meeting agenda.

General Ordinance Violations Amendments/1st Reading

Office Manager Broecker reviewed a proposed ordinance to abolish the township's Ordinance Violations Bureau, and to amend the penalty provisions of 21 separate ordinances to designate violations as misdemeanors. Supervisor Gabrielson explained that the use of civil infractions has not worked well because the law does not provide adequate legal leverage to collect fines or compel violators to comply with township ordinances. By changing the ordinance violations to misdemeanors, unpaid fines can be added to property tax bills and violators can serve jail time for failure to comply with township ordinances. There was no public comment. The second reading of the proposed amendatory ordinance will be conducted at the 2/5/01 meeting.

Amendment to Zoning Ordinance – Special Uses in C-2 Zoning District/1st Reading

Supervisor Gabrielson reviewed a proposed amendment to the Zoning Ordinance designating Veterinary Clinics as a Use After Special Approval in the C-2 zoning district. This use is not currently listed in the Zoning Ordinance. There was no public comment. The second reading of the proposed amendatory ordinance will be conducted at the 2/5/01 meeting.

Amendment to Zoning Ordinance – ZBA Membership/1st Reading

Office Manager Broecker reviewed a proposed amendment to the Zoning Ordinance to change the membership of the Zoning Board of Appeals. Instead of designating the Chairman of the Planning Commission, any member of the Planning Commission may be appointed to the Zoning Board of Appeals. There was no public comment. The second reading of the proposed amendatory ordinance will be conducted at the 2/5/01 meeting.

UNFINISHED BUSINESS-OTHER:

Revocation of Industrial Facilities Exemption Certificate / Thompson Equipment & Development

Office Manager Broecker reported that he had researched the issue discussed at the last board meeting regarding the personal property owned by Thompson Equipment & Development for which an Industrial Facilities Exemption Certificate was issued, that had been sold and moved outside of Fenton Township. All exemptions include an agreement between the applicant and the township outlining certain requirements to be followed by the applicant, including maintaining the property for the duration of the abatement. Another provision of the agreement requires the applicant to re-pay back taxes at the full rate plus interest if any part of the agreement is breached. When the exemption certificate is issued for real property, the back taxes are simply added to the next property tax bill. When the abatement is applied to personal property only, however, the township doesn't have a direct method to collect those funds when the personal property, and the owner, are no longer here. If the dollar amount is high enough, legal action may be appropriate. In this case, the total due for Fenton Township's portion of the abated taxes would be approximately \$57.00 + interest. Therefore it is recommended that the board simply take formal action to revoke Industrial

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Facilities Exemption Certificate #97-444. The board agreed. Office Manager Broecker presented the following resolution:

RESOLUTION NO. 2001-01

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., the State Tax Commission of the Michigan Department of Treasury on December 30, 1997, issued Industrial Facilities Exemption Certificate #97-444 in the amount of \$89,718 to Thompson Equipment & Development for personal property, and

WHEREAS, the equipment subject to this exemption certificate has been sold and relocated outside of Fenton Township;

NOW, THEREFORE, BE IT RESOLVED, that the Township Board of the Charter Township of Fenton hereby revokes Industrial Facilities Exemption Certificate #97-444, effective December 31, 2000.

Motion to adopt Resolution No. 2001-01 as presented:

Motion by: McKenna

Seconded: Krug

Ayes: Gabrielson, Garfield, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Mueller

Motion carried. Resolution declared adopted.

NEW BUSINESS:

Request for Temporary Sign – All That Java Café

Supervisor Gabrielson reviewed a request from the owner of the *All Than Java Café* for a temporary sign. Robert Aldridge, owner of the establishment, stated that the purpose of the temporary sign is to advertise the expansion of the café's menu.

Motion to approve a temporary sign for a period not to exceed 30 days for the *All That Java Café*, as requested.

Motion by: Garfield

Seconded: Mathis

Ayes: Gabrielson, Garfield, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Mueller

Motion carried.

Committee Appointments

Supervisor Gabrielson reviewed the proposed committee appointments, as discussed at the last workshop meeting. There was no further discussion.

Motion approve the following committee appointments:

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Internal Committees/Appointments

Planning Commission

Keith J. McKenna

Zoning Board of Appeals

Robert E. Krug

Fence Viewer

Charles L. Mueller

Public Safety Committee (Police & Fire)

Donald G. Rowe

Bonnie K. Mathis

Joan S. Garfield

Building & Facilities Committee

Bonnie K. Mathis - Chair

Keith J. McKenna

Joan S. Garfield

Parks & Recreation Committee

Robert E. Krug - Chair

Donald G. Rowe

Keith J. McKenna

Personnel Committee

Carl T. Gabrielson - Chair

Charles L. Mueller

Joan S. Garfield

Thomas R. Broecker

Roads & Sewer

Carl T. Gabrielson

Motion by: Rowe

Seconded: Garfield

Ayes: Gabrielson, Garfield, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Mueller

Motion carried.

External Committees/Appointments

Fenton Area Cable TV Consortium

Keith J. McKenna

Charles L. Mueller (alternate)

Genesee County Metropolitan Alliance

Robert E. Krug

Leslie Scott

**Genesee County WWS Advisory
Committee**

Carl T. Gabrielson

**Genesee County Roads & Bridges
Advisory Committee**

Carl T. Gabrielson

Genesee County 911 Consortium

Carl T. Gabrielson

**Partnership for Saginaw Bay
Watershed**

Carl T. Gabrielson

Flint River Watershed Committee

Carl T. Gabrielson

Fair Housing & Urban Development

Carl T. Gabrielson

Emergency Management Director

Carl T. Gabrielson

Schedule Hearing – 2001 Local Road Projects

Supervisor Gabrielson advised the board that it is time to schedule a public hearing on 2001 Local Road Projects. Information gathered from the hearing, combined with input

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from the Genesee County Road Commission will determine the recommended projects for 2001.

Motion to schedule a public hearing at the 2/5/01 Fenton Township Board Meeting for the purpose of obtaining citizen input regarding potential local road improvement projects for 2001.

Motion by: Gabrielson

Seconded: McKenna

Ayes: Gabrielson, Garfield, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Mueller

Motion carried.

Amendments to 2001 Fenton Township Budget

Office Manager Broecker reviewed proposed amendments to the 2001 General Fund and Fire Fund budgets. The primary purpose for the amendments is to authorize the expenditure of architectural fees for the proposed remodeling of the Fenton Township Civic Community Center and the proposed construction of Fire Station #3. The General Fund also includes a \$200,000 increase to the State Revenue Sharing budget and various other minor changes.

Motion to adopt amendments to the 2001 Fenton Township General Fund and Fire Fund budgets as presented.

Motion by: Garfield

Seconded: McKenna

Ayes: Gabrielson, Garfield, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Mueller

Motion carried.

Appointment of Prosecuting Attorney

Supervisor Gabrielson reviewed a letter from Township Attorney Richard Cooley, stating that he is prepared to provide prosecution services to the township at a rate of \$110.00 per hour. Supervisor Gabrielson recommended the hiring of Mr. Cooley to perform these services. He is already familiar with township ordinances and is an ideal choice for the job.

Motion to hire Richard E. Cooley as Fenton Township's Prosecuting Attorney.

Motion by: Gabrielson

Seconded: Garfield

Ayes: Gabrielson, Garfield, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Mueller

Motion carried.

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Removal of Transfer Affidavit Late Filing Penalty Fee

Supervisor Gabrielson reported that a Mary Kosman was assessed a \$200 penalty fee for the delinquent filing of a Property Transfer Affidavit. The Assessor has reported that the delinquency was due to a misunderstanding and mailing delays and has recommended removing this charge. Supervisor Gabrielson asked the board to approve this recommended action.

Motion to remove the Property Transfer Affidavit late filing penalty fee from parcel 06-16-603-015.

Motion by: Krug

Seconded: McKenna

Ayes: Gabrielson, Garfield, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Mueller

Motion carried.

OTHER ISSUES-TOWNSHIP BOARD:

None

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

None

ADJOURN: Meeting adjourned at 9:00 p.m.

Carl Gabrielson, Supervisor

Thomas Broecker, Deputy Clerk

Minutes Posted 1/23/01