

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF FEBRUARY 5, 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, Mueller, Krug, Mathis, Rowe, Office Manager Broecker and
Attorney Cooley.

Absent: Garfield, McKenna

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 2/5/01 Fenton Township Board Meeting agenda as presented.

Motion by: Krug

Seconded: Mathis

Ayes: All Present

Nays: None

Absent: Garfield, McKenna

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 1/22/01 workshop meeting and the 1/22/01 regular meeting stand approved as presented.

EXPENDITURES:

Office Manager Broecker reported that the expenditure listing was very brief due to Fund Balance software problems. The listing for the next meeting will include invoices that would have been presented at this meeting. Motion to approve invoices for payment as presented.

Motion by: Mueller

Seconded: Rowe

Ayes: Gabrielson, Mueller, Krug, Mathis, Rowe

Nays: None

Absent: Garfield, McKenna

Motion carried.

PRESENTATION:

Genesee County Sheriff Department Update

Sergeant Navidowski provided the board with a monthly law enforcement update.

PUBLIC HEARINGS:

2001 Local Road Improvement Projects

Supervisor Gabrielson opened the public hearing to gather input regarding potential local road improvement projects for 2001.

Public Comment:

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Christine Sordyl, 11463 Barnum Lake Road

Ms. Sordyl expressed concern regarding the condition of Barnum Lake Road, an unpaved dead-end street on Barnum Lake. She reported that the road is very narrow with poor drainage. Large trees are growing in the ditches and the overall condition of the road is terrible. Supervisor Gabrielson noted that this is a subdivision street, not a local road. Therefore, while the Genesee County Road Commission is responsible for maintenance, it is not eligible for improvements under the township's local road budget. He recommended that the residents consider petitioning the Genesee County Road Commission for a special assessment district to pave the street. This should resolve all of their road concerns.

The following individuals spoke regarding Dalhart Drive and Madison Street:

Cheryl Clark, 12177 Dalhart Drive

Mary Ellen Warren, 12141 Dalhart Drive

Mark Dale, 12190 Dalhart Drive

Crystal Stasik, 12133 Dalhart Drive

Denise Dale, 12190 Dalhart Drive

Their concerns included:

- ⇒ Poor drainage.
- ⇒ Sand & dirt road with very little gravel; Road is constantly muddy.
- ⇒ Poor road conditions are causing damage to residents' vehicles.
- ⇒ A sewer manhole sits 12 inches above the road, creating a safety hazard.
- ⇒ Narrow roadway creates a hazard for children walking to the bus stop.
- ⇒ Poor visibility at North Long Lake Road entrance.

Supervisor Gabrielson advised the residents that, like Barnum Lake Road, these streets are not classified as local roads and are not eligible for local road budget funds. He added that the Genesee County Road Commission has tried to maintain the streets as much as possible, but the only long term solution is to pave them. He strongly recommended that the residents petition the Genesee County Road Commission for a paving special assessment.

Carl Henderson, 11031 Jennings Road

Mr. Henderson asked the board to consider adding gravel to Jennings Road between Thompson and Ray Roads. He also reported that the Ray Road culvert near Jennings Road is partially blocked, resulting in flooding on his property. Supervisor Gabrielson will follow up with the Genesee County Road Commission.

Leslie Scott, 12499 Margaret Drive

Mr. Scott asked if this hearing included discussion regarding traffic signals, guardrails and other safety issues. Supervisor Gabrielson responded that he should contact him at the township office to discuss.

Supervisor Gabrielson also listed four other potential local road improvement projects:

1. Eastview Drive – drain repair

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2. Swanee Beach Drive – asphalt resurfacing
3. Butcher Road – chip & seal resurfacing
4. Petts Road – chip & seal resurfacing

The input from this hearing will be used to gather cost estimates for potential projects. After a comparison to budget, recommendations will be brought back to the next meeting.

Atwood Mobile Products-Transfer of Industrial Facilities Exemption Certificate

Supervisor Gabrielson reviewed the application of Atwood Mobile Products to transfer an existing Industrial Facilities Exemption Certificate from Thompson I.G. Corporation. Thompson I.G. was acquired by Atwood and this transfer would simply put the tax abatement in the name of the new owner for the remainder of the original 12-year exemption. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2001-02

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on April 6, 1992, this Township Board by resolution established Industrial Development District No. 8; and

WHEREAS, Atwood Mobile Products Incorporated has filed an application for the transfer of Industrial Facilities Exemption Certificate No. 98-351 from Thompson I.G. Corporation to Atwood Mobile Products Incorporated, within the Industrial Development District No. 8; and

WHEREAS, before acting on said application, the Charter Township of Fenton held a public hearing on February 5, 2001 at the Fenton Township Civic Community Center in Fenton, Michigan at 7:30 p.m., at which hearing the applicant, the Assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the transfer of the certificate will have the reasonable likelihood to retain, create, or prevent the loss of employment in the Charter Township of Fenton; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the Charter Township of Fenton, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the Township Board of the Charter Township of Fenton that:

1. *The Township Board finds and determines that the transfer of Industrial Facilities Exemption Certificate No. 98-351 considered together with the aggregate amount of certificates previously granted and currently in force under Act No 198 of the Public*

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Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the Charter Township of Fenton, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the Charter Township of Fenton.

- 2. The application of Atwood Mobile Products Incorporated for the transfer of Industrial Facilities Exemption Certificate No. 98-351, previously granted on the following described parcel of real property situated within Fenton Township Industrial Development District No. 8, to wit:*

Part of the SW 1/4 of the NE 1/4 of Section 3, T5N-R6E, Township of Fenton, Genesee County, Michigan, described as beginning at a point on the EW 1/4 line of said Section which is N 89° 34' 47" W, along said EW 1/4 line, 1,896.03 feet from the East 1/4 corner of said Section 3; thence continuing N 89° 34' 47" W, along said EW 1/4 line, 136.0 feet; thence N 0° 20' 15"E, 679.0 feet; thence S 89° 50' E, 136.0 feet; thence S 0° 20' 15" W, 679.60 feet to the point of beginning. Containing 2.12 acres of gross land and being subject to the reservation of Thompson Road so-called.

be and the same is hereby approved.

- 3. Industrial Facilities Exemption Certificate No 98-351, when transferred, shall be and remain in force and effect for the remainder of the original period of 12 years granted.*

Motion to adopt Resolution No. 2001-02 as presented:

Motion by: Mueller

Seconded: Rowe

Ayes: Gabrielson, Mueller, Krug, Mathis, Rowe

Nays: None

Absent: Garfield, McKenna

Motion carried. Resolution declared adopted.

Dunc Bay LLC-Request to Establish Industrial Development District

Office Manager Broecker reviewed the request of Dunc Bay LLC for the creation of an Industrial Development District on property located on Thompson Road. Since the site plan approval for the facility is on the February Planning Commission agenda, it was recommended that action on creating an Industrial Development District be postponed until the 2/19/01 meeting. It was also recommended that a revised legal description be provided to the township so that only the proposed facility is designated as an Industrial Development District.

REPORTS:

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Genesee County WWS Capacity Utilization Report

Supervisor Gabrielson reviewed a report from the Genesee County WWS Division, showing that Fenton Township, once the treatment plant expansion goes on line, will have over 3,000 available connection units.

Fire Department Update

Supervisor Gabrielson reported that the Fenton Township Fireman's Association recently donated over \$2,000 worth of ice rescue equipment to the Fenton Township Fire Department. The board commended the association for their continued efforts toward departmental improvements.

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/Revised 1st Reading

Supervisor Gabrielson reviewed the proposed rezoning ordinance for a proposed aviation subdivision to be developed around the existing airport. Office Manager Broecker explained that the revised first reading was to add specific uses to the conditions of the proposed rezoning. This will ensure that other uses will not be permitted on the property.

There was no further discussion. The second reading of the proposed rezoning ordinance is scheduled for the 2/19/01 meeting agenda.

General Ordinance Violations Amendments/2nd Reading

Supervisor Gabrielson 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. He again 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, violators will be prosecuted and fines will be easier to collect. There was no further discussion.

Motion to adopt Ordinance No. 570 as presented.

Motion by: Mueller

Seconded: Krug

Ayes: Gabrielson, Mueller, Krug, Mathis, Rowe

Nays: None

Absent: Garfield, McKenna

Motion carried. Ordinance declared adopted.

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

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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 further discussion.

Motion to adopt Ordinance No. 571, and amendment to the Zoning Ordinance to add Veterinary Clinics as a Use After Special Approval in the C-2 Zoning District, as presented.

Motion by: Mueller

Seconded: Rowe

Ayes: Gabrielson, Mueller, Krug, Mathis, Rowe

Nays: None

Absent: Garfield, McKenna

Motion carried. Ordinance declared adopted.

Amendment to Zoning Ordinance – ZBA Membership/2nd Reading

Supervisor Gabrielson 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 further discussion.

Motion to adopt Ordinance No. 572, an amendment to the Zoning Ordinance to revise the membership requirements of the Zoning Board of Appeals, as presented.

Motion by: Krug

Seconded: Gabrielson

Ayes: Gabrielson, Mueller, Krug, Mathis, Rowe

Nays: None

Absent: Garfield, McKenna

Motion carried. Ordinance declared adopted.

Storm Water Management Ordinance/1st Reading

Supervisor Gabrielson reviewed the proposed ordinance, which updates and improves a similar existing ordinance regarding storm water management. He added that this ordinance would help position us for new environmental requirements that will be implemented in the next few years.

Public Comment:

Leslie Scott, 12499 Margaret Drive

Mr. Scott pointed out a few minor typographical errors in the ordinance draft. He also asked if the Lake Association directors would have an opportunity to provide input after reviewing the proposed ordinance. Supervisor Gabrielson stated that the lake association representatives are welcome to review the ordinance and, if additional revisions are needed, we can conduct a revised first reading at the next meeting. Otherwise, the second reading of the proposed ordinance will be conducted at the 2/19/01 meeting.

UNFINISHED BUSINESS-OTHER:

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None

NEW BUSINESS:

Scheduling of Special Meeting

As discussed at the previous meeting, Supervisor Gabrielson asked the board to schedule a special meeting to conduct the first reading of a proposed amendment to the Zoning Ordinance regarding permitted uses in the PUD zoning district. After a brief discussion the board agreed to schedule the meeting on Wednesday February 14, 2001, beginning at 5:30 p.m.

Resolution No. 2001-04 / Blanket Resolution for Street Lighting Changes

Office Manager Broecker explained that a resolution is required each year to authorize the Supervisor and Clerk to approve changes to the township's street lighting contract with Consumers Energy. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2001-04

BE IT RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the streetlighting service as is provided in the Standard Streetlighting Contract between the Company and the Charter Township of Fenton, dated September 29, 1976 in accordance with the Authorization for Change in Standard Streetlighting Contract dated as of February 5, 2001, heretofore submitted to and considered by this Township Board; and

BE IT FURTHER RESOLVED, that Carl T. Gabrielson, Township Supervisor and Charles L. Mueller, Township Clerk be and are authorized to execute such authorizations for change on behalf of the Charter Township of Fenton.

Motion to adopt Resolution No. 2001-04 as presented.

Motion by: Mueller

Seconded: Rowe

Ayes: Gabrielson, Mueller, Krug, Mathis, Rowe

Nays: None

Absent: Garfield, McKenna

Motion carried. Resolution declared adopted.

Resolution No. 2001-05 / Household Hazardous Waste Collection

Supervisor Gabrielson reported that the Genesee County Area Recycling Coalition has once again requested the township's financial participation in their annual Household Hazardous Waste Collection Program. This very successful program sets up collection efforts at three different sites, twice each year for people to dispose of hazardous household waste products. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2001-05

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WHEREAS, the Township Board of the Charter Township of Fenton fully supports the efforts of the Genesee County Area Recycling Coalition to provide environmentally safe methods for disposal of hazardous household waste, and

WHEREAS, the Charter Township of Fenton pledged \$1,500 from its General Fund towards the cost of a Household Hazardous Waste Collection Program in 2000, and

WHEREAS, the Charter Township of Fenton Board of Trustees believes the continued support of this program to be in the best interests of the community;

THEREFORE BE IT RESOLVED, that the Charter Township of Fenton hereby pledges \$1,500 from its General Fund towards the cost of the Genesee County Area Recycling Coalition's Household Hazardous Waste Collection Program in 2001.

Motion to adopt resolution No. 2001-05 as presented:

Motion by: Mueller

Seconded: Krug

Ayes: Gabrielson, Mueller, Krug, Mathis, Rowe

Nays: None

Absent: Garfield, McKenna

Motion carried. Resolution declared adopted.

OTHER ISSUES-TOWNSHIP BOARD:

⇒ Supervisor Gabrielson reported that our initial meeting with the township engineer regarding the Thompson Road Corridor Study is scheduled for 2/6/01.

⇒ Trustee Krug reported that Captain Michael Bloomfield, NASA Shuttle pilot and Fenton Township native, will be making a series of presentations at the three Lake Fenton School facilities on Wednesday 2/7/01. Interested parties should contact the Lake Fenton School administration office for specific times.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

None

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

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 2/6/01