

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JUNE 4, 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, Garfield, Krug, Mathis, McKenna, Rowe, Office  
Manager Broecker and Attorney Cooley (arrived at 7:40 p.m.)

Absent: None

**PLEDGE OF ALLEGIANCE:**

Supervisor Gabrielson led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Treasurer Garfield asked to have the following item added to the agenda:

*Lake Fenton Property Owners Association Information*

Motion to approve the 6/4/01 Fenton Township Board Meeting agenda as amended.

Motion by: Krug

Seconded: Rowe

Ayes: All

Nays: None

Motion carried. The agenda is approved.

**MEETING MINUTES:**

The minutes of the 5/21/01 regular meeting stand approved as presented.

**EXPENDITURES:**

Motion to approve invoices for payment as presented.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Motion carried.

**PUBLIC HEARINGS:**

None

**REPORTS:**

**Building Committee**

Trustee Mathis reported that the Building Committee had met regarding the proposed renovation of the Fenton Township Hall and the proposed construction of Fire Station #3. An additional meeting will be scheduled with the respective architects before a recommendation is made to the board.

**Public Safety Committee**

Treasurer Garfield reported that bids would be solicited for a new well and for driveway repairs at Fire Station #1. The committee is also looking at the placement of additional dry hydrants at various locations in the township.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JUNE 4, 2001**

**Delinquent Personal Property Taxes**

Treasurer Garfield reported that a number of uncollectable Personal Property Tax (PPT) bills were removed from the roll by court order. She also asked the board to authorize legal action against two existing businesses, Matthew Wiesen Insurance and Sky Sports International, Inc. for non-payment of delinquent PPT bills. Unlike most other uncollected PPT's, these businesses are still in existence.

Motion to authorize legal action for delinquent Personal Property Taxes for Matthew Wiesen Insurance and Sky Sports International, Inc., as requested by the Township Treasurer.

Motion by: Garfield

Seconded: Mueller

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

Nays: None

Motion carried.

**2000 Audit & Financial Reports**

In response to Trustee McKenna's request at the last meeting, Dupuis & Ryden has provided a detailed breakdown of 1999 and 2000 General Fund expenses, comparing the operating expenses and total expenses (including transfers) for each year. This should clarify any confusion from the presentation. Trustee McKenna provided a copy to each board member.

**COMMUNICATIONS:**

Supervisor Gabrielson noted that the township had received a Census 2000 demographic profile document. Additional census information will be forthcoming.

**UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:**

**Rezoning #350, Timothy M. Gordon, Parcel 06-12-100-013; AG to R-T/1<sup>st</sup> Reading**

Supervisor Gabrielson reviewed the proposed rezoning. Mr. Gordon explained that he wishes to rezone the property to develop attached condominium units. Since the Price Airport property, designated for high-density residential development in the Fenton Township Land Use Plan, is not being developed as high density, he asked the board to consider designating this property as high density, thus justifying the rezoning request. Trustee McKenna responded that, while this property was one of several considered by the Planning Commission for a change in designation on the Land Use Map, they did not feel the property was appropriate for the high density development. The recommendation from the Planning Commission is for denial of the rezoning request. Clerk Mueller pointed out that the high-density mitigation issue has not yet been resolved by the Planning Commission. If the Planning Commission position on this particular area of the map change, that could impact the ultimate decision on this rezoning. Trustee Mathis suggested that no additional property be designated as high density. Attorney Cooley confirmed that it would not be illegal to do so, but would put the township in a weak legal position if challenged in court. Trustee McKenna added that the Planning Commission will consider all pertinent information before making their decision. There was no public

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JUNE 4, 2001**

comment. The second reading of the proposed rezoning ordinance will be conducted at the 6/18/01 meeting.

**Revised PUD Conditions Rezoning/Ordinance #576 – Parcel 06-29-200-004 & part of 06-29-200-003/2<sup>nd</sup> Reading**

Supervisor reviewed the proposed ordinance to amend the conditions of rezoning ordinance #576, which was adopted on 4/2/01. It was noted that the Planning Commission had recommended approval of the amendment, which allows for larger general hangars and permits additional flexibility in the mix of detached vs. attached residential units. The additional condition limited the number of larger hangars to three has been added, as requested at the last board meeting. There was no further discussion.

Motion to adopt Ordinance No. 577, an amendment to the PUD conditions of rezoning Ordinance No. 576, as presented.

Motion by: Mueller

Seconded: Rowe

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

Nays: None

Motion carried. Ordinance declared adopted.

**UNFINISHED BUSINESS-OTHER:**

None

**NEW BUSINESS:**

**Preliminary Plat Tentative Approval – Lakeside Acres**

Supervisor Gabrielson reviewed the proposed plat of Lakeside Acres, which would replace the approved second phase of the Lakewood Meadows condominium development. Kevin Kleaver of Gould Engineering presented an overview of the plan, which features 64 lots (vs. 67 units in the approved condo site plan), and significantly more open space. There was discussion regarding the park area that fronts Loon Lake. Mr. Kleaver explained that only the nine lots adjacent to the park would have access to the park and to the water. No boats will be allowed and the construction of any docks would have to be approved by the Township. Trustee Mathis and Treasurer Garfield expressed concern regarding the potential for unauthorized access to the lake by the other 55 lots. Mike Foley, (the applicant), stated that the subdivision restrictions specifically grant access only to the nine lots. Clerk Mueller noted that the park area is primarily swamp and likely would not result in any “keyholing”. It was suggested that the access to the park area could be barricaded to prohibit unauthorized access. Trustee McKenna stated that he would like to see the revised subdivision restrictions, and have them reviewed by the township attorney before acting on the plat. The board agreed to postpone this item until the 6/18/01 meeting.

Motion to postpone the Tentative Approval for the Preliminary Plat of Lakeside Acres until the 6/18/01 meeting.

Motion by: McKenna

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JUNE 4, 2001**

Seconded: Garfield  
Ayes: Gabrielson, Mueller, Garfield, Krug, Mathis, McKenna, Rowe  
Nays: None  
Motion carried.

**Zoning Board of Appeals Resignation – Bert Culpepper**

Supervisor Gabrielson reviewed a letter from Bert Culpepper stating that he wishes to step down from the Zoning Board of Appeals. Mr. Culpepper will continue his duties as a member of the Planning Commission.

Motion to accept the resignation of Bertram C. Culpepper from the Fenton Township Zoning Board of Appeals.

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

**Appointment to Fenton Township Planning Commission**

Supervisor Gabrielson stated that he wishes to appoint current ZBA member Sandra Carlson to the Planning Commission to the seat formerly occupied by Cal Gatesman, and also designate her as the Planning Commission representative on the ZBA, (replacing Mr. Culpepper). In order to accomplish this, Ms. Carlson must first be removed from her current seat on the ZBA. Trustee Mathis asked why the board was not consulted regarding the appointment to the Planning Commission. Supervisor Gabrielson noted that appointments to the Planning Commission must ultimately be approved by the Township Board, but the appointments themselves are the legal responsibility of the Supervisor.

Motion to remove Sandra K. Carlson from her current seat on the Fenton Township Zoning Board of Appeals.

Motion by: Rowe  
Seconded: Krug  
Ayes: Gabrielson, Mueller, Krug, McKenna, Rowe  
Nays: Garfield, Mathis  
Motion carried.

Motion to appoint Sandra K. Carlson to the Fenton Township Planning Commission for the term ending May 31, 2004.

Motion by: Rowe  
Seconded: Krug  
Ayes: Gabrielson, Mueller, Krug, McKenna  
Nays: Garfield, Mathis, Rowe  
Motion carried.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JUNE 4, 2001**

Motion to appoint Sandra K. Carlson as the Planning Commission representative on the Fenton Township Zoning Board of Appeals.

Motion by: Rowe

Seconded: Krug

Ayes: Gabrielson, Mueller, Krug, McKenna, Rowe

Nays: Garfield, Mathis

Motion carried.

**Hiring of New Assessor**

Supervisor Gabrielson presented the résumé and a proposed employment agreement to hire Beth A. Redmond as the new Fenton Township Assessor. Seven applicants were interviewed for the position and Supervisor Gabrielson recommends that Ms. Redmond be hired to fill the position. She is well qualified and has considerable experience as an Assessor. The employment agreement is structured the same as for the previous Assessor, except that the salary, vacation days and personal days are lower. After some discussion, it was agreed to add a provision for an annual performance evaluation to the employment agreement language.

Motion to approve the employment agreement to hire Beth A. Redmond for the position of Fenton Township Assessor, as amended.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Motion carried.

**Resolution No. 2001-15, Dissolution of Tri-County Parks & Recreation Commission**

Supervisor Gabrielson reported that formal action by the Township Board is necessary to dissolve the Tri-County Parks & Recreation Commission. This commission, established under an Inter-Local Agreement in 1995, had administered the local recreational programs for the past six years. With the creation of the Southern Lakes Regional Metropolitan Parks & Recreation District, this commission is no longer needed. Supervisor Gabrielson pointed out that Trustee Mathis was very active in the commission and instrumental in its success. Clerk Mueller presented the following resolution:

**RESOLUTION NO. 2001-15**

*WHEREAS, on February 6, 1995 the Charter Township of Fenton Board of Trustees (the "Township Board") approved an Interlocal Agreement establishing the Tri-County Parks & Recreation Commission, effective January 1, 1995 (the "Agreement"), and*

*WHEREAS, the establishment of the Southern Lakes Regional Metropolitan Parks & Recreation District has eliminated the need for the Agreement and the Tri-County Parks & Recreation Commission, and*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JUNE 4, 2001**

*WHEREAS, Section 16 of the Agreement provides for the dissolution of the Commission by resolution of the governing bodies of each participating member, and for the distribution of assets after dissolution;*

*NOW, THEREFORE BE IT RESOLVED, that the Charter Township of Fenton Board of Trustees hereby consents to the dissolution of the Tri-County Parks & Recreation Commission and the termination of the Agreement, effective June 30, 2001.*

Motion to adopt Resolution No. 2001-15 as presented.

Motion by: Mueller

Seconded: Krug

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

Nays: None

Motion carried. Resolution declared adopted.

**Resolution No. 2001-16, Genesee County Phase II Storm Water Regulations Management System Contract**

Supervisor Gabrielson reviewed a proposed agreement between the Genesee County Drain Commissioner and all Genesee County municipalities to jointly address the Phase II Storm Water Regulations that will become law in 2003. The initial cost of \$7,500.00 (3.125% of \$240,000) is considerably less than the cost to implement such a project individually. Attorney Cooley has reviewed the documentation and has recommended adoption of the resolution. Clerk Mueller presented the following resolution:

**RESOLUTION NO. 2001-16**

*WHEREAS, the Charter Township of Fenton Board of Trustees (the "Township Board") has been presented with a form of contract dated as of April 1, 2001, among the County of Genesee, acting through its Drain Commissioner, as County Agency, and the cities, villages, townships and charter townships identified on Exhibit A attached hereto (hereinafter referred to individually as a "Municipality" or collectively as the "Municipalities"), relative to the establishment and management and operation of the Genesee county Storm Water Management System to provide storm water management services to the Municipalities;*

*NOW, THEREFORE BE IT RESOLVED:*

- 1. The Township Board hereby approves the Genesee County Phase II Regulations Storm Water Management System Contract to be dated as of April 1, 2001, among the County of Genesee, acting through its Drain Commissioner, as County Agency, and the Municipalities (the "Contract"), in respect to the establishment and management and operation of the Genesee County Storm Water Management System to provide storm water management services to the Municipalities, which contract provides, among other things, that the County Agency will supervise and control the management and operation of the System, and that each Municipality shall pay to the*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JUNE 4, 2001**

*County, and the County shall assume, its share of the cost of services as set forth in the Contract.*

2. *The Township Supervisor and Township Clerk are authorized and directed to execute and deliver the Contract for and on behalf of the Township Board.*
3. *A copy of the Contract presented on this date and herein approved and authorized to be executed and delivered shall be attached to the minutes of this meeting and made a part thereof and shall be placed on file with the Township Clerk and made available for examination by any interested person during normal business hours.*
4. *All resolutions and parts of resolutions, insofar as they may be in conflict herewith, are hereby rescinded.*

**EXHIBIT A**  
**MUNICIPALITIES**

<i>Township of Argentine</i>	<i>Township of Thetford</i>
<i>Township of Atlas</i>	<i>Charter Township of Vienna</i>
<i>Charter Township of Clayton</i>	<i>City of Burton</i>
<i>Township of Davison</i>	<i>City of Clio</i>
<i>Charter Township of Fenton</i>	<i>City of Davison</i>
<i>Charter Township of Flint</i>	<i>City of Fenton</i>
<i>Charter Township of Flushing</i>	<i>City of Flushing</i>
<i>Township of Forest</i>	<i>City of Grand Blanc</i>
<i>Township of Gaines</i>	<i>City of Linden</i>
<i>Charter Township of Genesee</i>	<i>City of Montrose</i>
<i>Charter Township of Grand Blanc</i>	<i>City of Mt. Morris</i>
<i>Charter Township of Montrose</i>	<i>City of Swartz Creek</i>
<i>Charter Township of Mt. Morris</i>	<i>Village of Gaines</i>
<i>Charter Township of Mundy</i>	<i>Village of Goodrich</i>
<i>Township of Richfield</i>	<i>Village of Otisville</i>

Motion to adopt Resolution No. 2001-16 as presented.

Motion by: Garfield

Seconded: McKenna

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

Nays: None

Motion carried. Resolution declared adopted.

**Lake Fenton Property Owners Association Information**

Treasurer Garfield reported that communication from the Lake Fenton Property Owners Association indicated that the township would be working to identify illegal boats on Lake Fenton. She asked what constituted an illegal boat. Supervisor Gabrielson responded that any boat on Lake Fenton that is not owned by a lakefront property owner is in violation of the anti-keyholing provision of the Zoning Ordinance. In prior years

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JUNE 4, 2001**

letters have been sent to violators to remove the boats. Treasurer Garfield stated that if she wanted to allow her daughter to dock her boat at her property, she should be able to, and that she disagrees with this enforcement method. Only property owners renting dock space should be cited as violators. Trustee Mathis agreed, stating that lakefront property owners pay high taxes and should be allowed to let relatives dock boats on their property. Supervisor Gabrielson responded that this was a simple case of enforcing the existing ordinance. If the board wishes to pursue an amendment to the anti-keyholing provisions of the Zoning Ordinance, that can be investigated.

**OTHER ISSUES-TOWNSHIP BOARD:**

None

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

Pete Matta, 14016 Fenton Road

Regarding the keyholing discussion, Mr. Matta stated that he thought the language regarding docking of boats was removed from the ordinance before it was adopted. Attorney Cooley clarified that the ordinance Mr. Matta was referring to is the Lake Activity Regulation Ordinance, which is separate from the Zoning Ordinance. Mr. Matta added that he agrees with Trustee Mathis and Treasurer Garfield on the issue of boat docking.

Thomas Lambert, 12476 Gage Road

Mr. Lambert noted that the recent audit report showed a 10% increase in expenses. He stated that he is concerned about the increasing expenses of the township. He is not in favor of the proposed building renovation and he is also concerned about the Township Supervisor also holding the position of Zoning Administrator.

Patrick Carmody, 16245 Silvershore Drive

Mr. Carmody again expressed concern regarding the board's action of creating a separate position description for Zoning Administrator and appointing Supervisor Gabrielson to the position. He is also concerned about the apparent disagreement among the board members on several issues this evening. He wants the board to work together. Mr. Carmody also raised concerns regarding Trustee Krug also being a member of the Lake Fenton School Board. Trustee Krug responded that several similar situations exist throughout Michigan and he does not believe that it is a conflict of interest or a situation of incompatible offices. Additionally, the township has requested an Attorney General's opinion on this specific situation and we are awaiting a reply.

David Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked if any information had been obtained regarding his inquiry at the last meeting regarding the use of Ponemah Drive to access the campground located west of Ponemah Drive. Supervisor Gabrielson reported that the legal case set a limit of 17 campsites for the campground but did not address the issue of accessing Ponemah Drive. Supervisor Gabrielson added that the township will monitor the campground to ensure no more than 17 campsites are present.



**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JUNE 4, 2001**

Mr. Hawcroft also asked about the status of the filling operations at the campground. Supervisor Gabrielson responded that the DEQ is investigating and the entire issue is in their hands at this time. If additional filling is occurring, the township office should be contacted ASAP.

Mr. Hawcroft also raised the issue of the flooding problem on Ponemah Drive. With the latest rains, up to five homes are now affected by the flooding. Supervisor Gabrielson stated that he has added Ponemah Drive to the list of potential road improvement projects for 2002.

The meeting was recessed at 9:45 p.m.

The meeting was re-convened at 9:58 p.m.

**RECESS:**

Motion to recess the regular meeting to convene an executive session for the purpose of discussing a proposed purchase of real estate.

Motion by: Mueller

Seconded: McKenna

Ayes: All

Nays: None

Motion carried. The meeting was recessed at 10:00 p.m.

**RECONVENE:**

The meeting was reconvened at 10:07 p.m.

Motion to accept the counter offer of Aggressive Homes for the purchase of real property as presented.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Motion carried.

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

---

Carl Gabrielson, Supervisor

---

Charles Mueller, Clerk

**Minutes Posted 6/5/01**