

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 1, 2001**

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

Clerk Mueller called the meeting to order at 7:30 p.m.

Present: Mueller, Garfield, Krug, Mathis, McKenna, Office Manager Broecker and
Attorney Cooley

Absent: Gabrielson, Rowe

PLEDGE OF ALLEGIANCE:

Clerk Mueller led the pledge of allegiance to the flag.

APPOINTMENT OF CHAIRMAN PRO-TEM:

Motion to appoint Clerk Mueller as Chairman Pro-Tem.

Motion by: Krug

Seconded: Garfield

Ayes: All Present

Nays: None

Absent: Gabrielson, Rowe

Motion carried.

APPROVAL OF AGENDA:

Motion to approve the 10/1/01 Fenton Township Board Meeting agenda as presented.

Motion by: Krug

Seconded: McKenna

Ayes: All Present

Nays: None

Absent: Gabrielson, Rowe

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 9/17/01 regular meeting and the 9/25/01 workshop meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices for payment as presented.

Motion by: McKenna

Seconded: Krug

Ayes: Mueller, Garfield, Krug, Mathis, McKenna

Nays: None

Absent: Gabrielson, Rowe

Motion carried.

PUBLIC HEARINGS:

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Fenton Orchards Phase I Street Lighting Special Assessment District/1st Hearing

Clerk Mueller reviewed the proposed special assessment district for street lighting in the new Fenton Orchards development. It was noted that the developer still owns all property in the development.

Public Comment:

Howard F. Scheuner, 2850 Fisher Road, Howell

Mr. Scheuner, the developer of the property, stated that the number of units in the proposed district should be 94, (42 detached and 52 attached units). The resolution and assessment roll will be adjusted accordingly.

There was no further discussion. Chairman Mueller presented the following resolution:

RESOLUTION NO. 2001-37

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 street lighting 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 1st day of October 2001 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 Fenton Orchards I Street Lighting 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 maintenance of street lights in Phase I of the Fenton Orchards condominium development as prepared and presented, and the estimated costs thereof of \$2,800.00 per year, and

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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 Fenton Orchards I Street Lighting Special Assessment District, within which the costs of such improvements shall be assessed, the following described area within said township:

***Units 1-42 of the Fenton Orchards Home Site Condominium development
And
Units 1-52 of the Fenton Orchards Attached Unit Condominium development***

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. 2001-37 as presented.

Motion by: Mueller

Seconded: Garfield

Ayes: Mueller, Garfield, Krug, Mathis, McKenna

Nays: None

Absent: Gabrielson, Rowe

Motion carried. Resolution declared adopted.

Chairman Mueller stated that, in anticipation of the adoption of the previous resolution, a proposed assessment roll had already been prepared and certified by the Township Supervisor and filed with the Township Clerk. The following resolution was presented:

RESOLUTION NO. 2001-38

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 \$2,806.00 per year, covering all parcels of land within the Fenton Orchards I Street Lighting 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

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BE IT FURTHER RESOLVED, that the Fenton Township Board shall meet at 7:30 p.m. on October 15, 2001 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 Fenton Orchards I Street Lighting Special Assessment District as shown 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. 2001-38 as presented.

Motion by: Mueller

Seconded: McKenna

Ayes: Mueller, Garfield, Krug, Mathis, McKenna

Nays: None

Absent: Gabrielson, Rowe

Motion carried. Resolution declared adopted.

2002 Community Development Block Grant Needs Hearing

Clerk Mueller opened the public needs hearing for the 2002 Community Development Block Grant program. Office Manager Broecker reported that, although Fenton Township is not one of the communities in the 2002 funding cycle, Mt. Morris Township will be repaying the \$70,000 in CDBG funds it borrowed from Fenton Township in 2001.

Public Comment:

Joseph Szabo, 12193 Dalhart Drive

Mr. Szabo asked the board to consider the improvement of Dalhart Drive. He submitted letters from residents asking for the board's assistance.

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.)
- Purchase of extended van with handicapped lift for Southern Lakes Parks & Recreation
- Summer youth employment training for At-Risk/Impaired youth
- Special events/programming for the mentally-physically impaired (Southern Lakes Parks & Recreation)
- Barrier-free restrooms and picnic tables for the North Road park property

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- Non-Motorized Trails (hiking & biking)
- Sidewalks from the City of Linden border to the County Park on Linden Road.
- Parks & Recreation Improvements

The public hearing was closed. Recommendations for project applications will be brought back to the board at the 10/15/01 meeting.

REPORTS:

Quarterly Report – Ordinance Enforcement Officer

Chairman Mueller reviewed the quarterly report from Ordinance Enforcement Officer Adair Rowe. Ms. Rowe also provided a memo updating the board on the issues related to the In-Between Campground property.

Advanced Pest Management Update

Chairman Mueller reviewed the latest report from Advanced Pest Management. The total cost for this year is under the contract amount by more than \$6,000.00.

COMMUNICATIONS:

Chairman Mueller reviewed a press release from the MSU Extension Office regarding the fall Household Hazardous Waste Collection Day. The fall date is Saturday October 20, 2001 and the local collection site will be Linden High School from 10:00 a.m. to 2:00 p.m.

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Building Code Ordinance/1st Reading

Chairman Mueller reviewed a proposed building code ordinance. Office Manager Broecker explained that the Michigan Building Code went into effect for all governmental units as of 7/31/01. This proposed ordinance repeals the existing Building Code Ordinance and formally designated the Fenton Township Building Code Official as the enforcement agency for the Michigan Building Code. There was no public comment. The second reading of the proposed ordinance will be conducted at the 10/15/01 meeting.

UNFINISHED BUSINESS-OTHER:

Workshop Meeting – 10/6/01

After a brief discussion, the board agreed to cancel the regularly workshop meeting scheduled for Saturday 10/6/01.

NEW BUSINESS:

Division of Platted Property, (ZBA #1797), Jacob Elenbaas, 13428 Enid Blvd.

Chairman Mueller reviewed the proposed lot division. Trustee Krug reported that the ZBA had recommended denial on the basis that it would create a non-conforming structure and non-conforming lots.

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Motion to deny the requested division of parcel 06-14-577-008.

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

Motion carried. The requested land division is denied.

Division of Platted Property, (ZBA #1798), Mark Mustola, 16489 Hi-land Trail

Chairman Mueller reviewed the proposed lot division, which would restore lots 35 and 36 to their original platted state. Trustee Krug reported that the ZBA had also recommended denial of this request, again because the division would create a non-conformity with the existing structures and would result in the creation of non-conforming lots.

Applicant Mark Mustola addressed the board, stating that the house was built on lot 36 before it was combined with lot 35. He simply wants to “re-split” the lots to the way they once were. The existing garage would be removed from lot 35 and the only resulting non-conformity would be a 2½-foot side yard setback variance. The board also noted that an existing stone wall appeared to encroach on to lot 35, which would result in an additional non-conformity. Board members expressed concern that granting the request would not be in the best interest of the township, and without ZBA approval of the non-conformity, the board should not approve such a division.

Motion to deny the requested division of parcel 06-32-576-051.

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

Motion carried. The requested land division is denied.

Proposed Conservation Easement – Parcel 06-32-400-017

Chairman Mueller reviewed a proposed conservation easement for a portion of parcel 06-32-400-017. The front portion of the parcel was sold without getting the property split through the township. The proposed conservation easement will ensure that the landlocked property will never be developed. Attorney Cooley confirmed that the language in the easement is correct and best protects the township and the surrounding property owners.

Motion to approve the Conservation Easement between Patrick and Theresa Flynn and Fenton Township for a portion of parcel 06-32-400-017, as presented.

Motion by: McKenna
Seconded: Garfield
Ayes: Mueller, Garfield, Krug, Mathis, McKenna

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Nays: None
Absent: Gabrielson, Rowe
Motion carried.

Concrete Driveway Replacement – Fire Station #1

Chairman Mueller reviewed a proposal to remove and replace the 8” concrete slabs in front of Fire Station #1, which was reviewed at the 9/25/01 workshop meeting. If approved, the drainage problems in this area will also be addressed.

Motion to approve the expenditure of up to \$14,000 to remove and replace the concrete driveway area at Fenton Township Fire Station #1, as presented.

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

Proposed Purchase of New Fire Truck

Chairman Mueller reviewed a memo from Supervisor Gabrielson requesting authorization to purchase a new fire truck from Pierce Manufacturing. This pumper truck can be ordered now and delivered in the spring, and would replace an older truck which is no longer serviceable. The total cost of the new truck should not exceed \$320,000.00.

Motion to authorize the purchase of a new fire truck from Pierce Manufacturing, at a cost not to exceed \$320,000.00.

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

Amendments to 2001 Fenton Township Budget

Office Manager Broecker reviewed the proposed 2001 budget amendments for the various funds.

Motion to approve 2001 budget amendments as presented.

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

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Resolution No. 2001-39 / 2002 Fenton Township Budget

Chairman Mueller reviewed the General Appropriations resolution to adopt the 2002 budget for Fenton Township, which was the subject of a public hearing at the last meeting.. He noted that the budget included a General Fund operating millage of 0.7778 mills, which reflects a correction to the Headlee Rollback fraction, and a Sewer Fund debt retirement millage of 0.7440, which has also been adjusted to comply with Headlee requirements. Office Manager Broecker reported that the only adjustments made to the budget that was reviewed at the previous meeting were the addition of \$320,000 to the Fire Fund budget for the purchase of a new fire truck, and changes to the General Fund and Mosquito Control fund to reflect only a \$15,000 operating transfer instead of \$25,000. Chairman Mueller presented the following resolution:

**RESOLUTION NO. 2001-39
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

Pursuant to MCLA 42.26, notice of a public hearing on the proposed budget was published in a newspaper of local circulation on September 9, 2001, and a public hearing on the proposed budget was held on September 17, 2001.

Section 5: Estimated Revenues

Estimated township General Fund revenues for fiscal year 2002, including an operating millage of .7778 mills, and various miscellaneous revenues shall total \$2,133,750.

Estimated township Fire Fund revenues for fiscal year 2002 shall total \$644,000.

Estimated township Sewer Fund revenues for fiscal year 2002, including a debt retirement millage of 0.7440 mills, and various miscellaneous revenues shall total \$2,220,200.

Estimated township Mosquito Control Fund revenues for fiscal year 2002 shall total \$140,000.

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Estimated township Solid Waste Management Fund revenues for fiscal year 2002 shall total \$495,000.

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 .7778 mills for general township operations and 0.7440 mills for sewer debt retirement.

Section 7: Estimated Expenditures

Estimated township General Fund expenditures for fiscal year 2002 for the various township cost centers are as follows:

101-Township Board	\$ 76,900
171-Supervisor	61,500
191-Elections	19,200
209-Assessor	101,300
215-Clerk & General Administration	433,900
247-Board of Review	2,300
253-Treasurer	25,300
265-Building & Grounds	163,000
276-Cemeteries	7,500
301-Law Enforcement	414,000
336-Fire Department	125,000
371-Inspection/Ordinance Enforcement	100,400
401-Planning & Zoning	95,900
445-Drains At Large	20,000
446-Highways, Roads & Bridges	256,100
805-Auditorium - Civic Center	7,500
815-Zoning Board of Appeals	9,700
865-Insurance	<u>145,500</u>
TOTAL	\$ 2,065,000

Estimated township Fire Fund expenditures for fiscal year 2002 for the various township cost centers are as follows:

265-Building & Grounds	\$ 66,800
336-Fire Dept. Operations	745,600
865-Insurance	<u>37,400</u>
TOTAL	\$ 849,800

Estimated township Sewer Fund expenditures for fiscal year 2002 for the various township cost centers are as follows:

000-County Services/Debt	\$ 1,353,000
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536-Sewer Operations	685,300
865-Insurance	<u>15,000</u>
TOTAL	\$ 2,053,300

Estimated township Mosquito Control Fund expenditures for fiscal year 2002 shall total \$133,000.

Estimated township Solid Waste Management Fund expenditures for fiscal year 2002 shall total \$510,000.

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 2002 fiscal year General Fund, Fire Fund and Sewer Fund budgets by cost center. Township officials responsible for the expenditures authorized in the budget are authorized to 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

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.*

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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. 2001-39 as presented.

Motion by: McKenna

Seconded: Krug

Ayes: Mueller, Garfield, Krug, Mathis, McKenna

Nays: None

Absent: Gabrielson, Rowe

Motion carried. Resolution declared adopted.

Request for Legal Action for Attractive Nuisance – Dalhart Drive

Chairman Mueller reviewed a memo from Ordinance Enforcement Officer Adair Rowe regarding an abandoned house at 12071 Dalhart Drive. It has been declared an attractive nuisance and needs to be demolished. The property owner has not responded to requests to address the issue and she is requesting that the board authorize legal action to have the structure demolished.

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Motion to authorize the township attorney to initiate the appropriate legal action regarding the abandoned structure at 12071 Dalhart Drive, as requested by the Fenton Township Ordinance Enforcement Officer.

Motion by: Krug

Seconded: McKenna

Ayes: Mueller, Garfield, Krug, Mathis, McKenna

Nays: None

Absent: Gabrielson, Rowe

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

David Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft again raised the issue of the use of Ponemah Drive as an access to and from the In Between Campground and the Dockside Bar. The Genesee County Road Commission has designated their access as "limited use" and he would like to know the definition of limited use. A recent drunk driving incident on Ponemah Drive resulted in damage to two properties and he is concerned about safety with all these vehicles traveling on Ponemah Drive. Chairman Mueller stated that the township would contact the Genesee County Road Commission to further define "limited use".

ADJOURN: Meeting adjourned at 8:50 p.m.

Charles Mueller, Chairman Pro-Tem

Thomas Broecker, Deputy Clerk

Minutes Posted 10/3/01