

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 15, 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

Absent: None

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 10/15/01 Fenton Township Board Meeting agenda as presented.

Motion by: McKenna

Seconded: Krug

Ayes: All

Nays: None

Motion carried. The agenda is approved.

PRESENTATION:

Supervisor Gabrielson introduced Lieutenant Dan Atkinson, Team Commander of the Flint Area Narcotics Group (FANG), a division of the Michigan State Police. Lt. Atkinson gave an overview of the FANG organization, which includes 11 separate police agencies in Genesee County. He reviewed several recent cases that FANG has been involved in, some of which reach beyond Genesee County and even outside of Michigan. He emphasized that, while a drug bust or arrest may not occur in Fenton Township, these activities still benefit our community (i.e. cutting off drug supplies that may end up in Fenton Township). He noted that the proposed dues for the coming year have increased due to Fenton Township's population increase. The amount by which the dues will be reduced by forfeitures has not yet been determined. The board thanked Lt. Atkinson for his informative presentation. Supervisor Gabrielson noted that the decision to continue Fenton Township's membership in FANG will be addressed at a future meeting.

MEETING MINUTES:

The minutes of the 10/1/01 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices for payment as presented.

Motion by: McKenna

Seconded: Krug

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

Nays: None

Motion carried.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 15, 2001**

PUBLIC HEARINGS:

Fenton Orchards Phase I Street Lighting Special Assessment District/2nd Hearing

Supervisor Gabrielson reviewed the proposed assessment roll for the Fenton Orchards I Street Lighting Special Assessment District. It was noted that the developer still owns 100% of the property in the district. There was no public comment. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2001-40

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 Fenton Orchards I Street Lighting 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, additional information received indicated the reasonableness of the following amendments to said assessment roll:

- 1. Units 41 and 42 of the Fenton Orchards Home Site Condominium development have been added to the assessment roll.*
- 2. The initial per unit assessment shall be \$29.80 per year.*

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 amended, 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. 2002-1 and shall hereby be confirmed as the assessment roll for the Fenton Orchards I Street Lighting Special Assessment District.

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2002-1 shall be paid in annual installments with the first installment to be due and payable on December 1, 2002 and the following installments to be due and payable on the first day of December of each year thereafter. The amount of

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 15, 2001**

each payment may be adjusted on an annual basis, relative to changes in the actual cost of street light operation and maintenance.

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. 2001-40 as presented.

Motion by: Mueller

Seconded: Garfield

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

Nays: None

Motion carried. Resolution declared adopted.

REPORTS:

MTA Fire Department Seminar

Treasurer Garfield and Trustee Krug reported that they attended a recent MTA seminar on Fire Department operations. Both felt that they obtained useful information and were able to network with other townships to discuss fire department issues.

New Fire Truck

Supervisor Gabrielson reported that he and Fire Chief Moulton spent 2 days in Wisconsin designing the new fire truck. A final quote should be available within a week.

Sewer System Maintenance Report

Trustee McKenna reported that he had received and reviewed 1999 and 2000 graphs and reports regarding the maintenance of the township's sanitary sewer system, provided by Mid-Michigan Manufacturing & Maintenance. He stated that he was pleased to see that trends regarding maintenance costs and timeliness of preventative maintenance procedures continue to show improvement.

COMMUNICATIONS:

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 15, 2001**

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Building Code Ordinance/2nd Reading

Supervisor Gabrielson reviewed the proposed ordinance, which 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 further discussion.

Motion to adopt Ordinance No. 582, Building Code Ordinance, as presented.

Motion by: Mueller

Seconded: Garfield

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

Nays: None

Motion carried. Ordinance declared adopted.

Rezoning #354, Fenton Midtown LLC, parcel 06-17-100-006; AG to PUD/1st Reading

Supervisor Gabrielson reviewed the proposed PUD rezoning. Ryan Rosett of *Real Estate Interest Group* provided a brief review of the rezoning request. Todd Hallet of Delcor Homes gave a detailed presentation of the proposed development. The conceptual plan includes 111 total acres, a density of 2.5 units per acre and 55% open space. They wish to incorporate a Traditional Neighborhood Design in this development, which includes *Village Homes* with alleys and rear-facing garages, and *Courtyard Homes*. They have developed similar subdivisions in other communities and they have been very well received.

Trustee McKenna reported that the Planning Commission recently adopted revised language in the Fenton Township Land Use Plan, which allows a density of up to 2.5 units per acre if the site meets specific criteria. This particular plan does meet the new criteria and the Planning Commission has recommended approval of the rezoning request.

Public Comment:

David Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft expressed concern regarding potential storm water runoff from this proposed development. Supervisor Gabrielson stated that all new developments must include retention ponds and any runoff from the site cannot be any greater than what existed prior to development.

Treasurer Garfield questioned the buffer zone between the proposed development and the Spring Meadows Country Club. It was confirmed that a 160-foot buffer is included in the conceptual plan. Trustee Mathis noted that she has seen the TND development in Oxford and was very impressed with the entire concept, design and landscaping. Trustee Rowe raised the issue of accessory structures. Mr. Hallet stated that the by-laws would be very strict so as to eliminate any large structures. Trustee Krug voiced concern regarding the

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 15, 2001**

density of the proposed project. It seems to be more of an urban nature, which may be contrary to what our residents. He also stated concerns about traffic issues and impact on the township's infrastructure. Supervisor Gabrielson confirmed that the Genesee County Road Commission would control any required deceleration/passing lanes and traffic signals, if needed. He also noted that the sewer line constructed in this area within the last several years was intended to accommodate this type of anticipated growth.

There was no further discussion. The second reading of the proposed rezoning ordinance will be conducted at the 11/5/01 meeting.

Rezoning #356, Kingsway Builders, parcel 06-17-200-013; R-1A to PUD/1st Reading

Supervisor Gabrielson reviewed the proposed rezoning. Jim Eppink of J. Eppink Partners, representing the applicant, presented an overview of the PUD conceptual plan. The proposed development includes a mix of detached and duplex single family homes. The proposed density is 2.33 units per acre, with approximately 39% open space. The proposed development has a buffer from the Spring Meadows Country Club that varies between 100 and 250 feet. The Spring Meadows officials have been consulted and have expressed support for the plan. Access is from Ripley Road which, according to Genesee County Road Commission records, is well under capacity. The requested density is consistent with the new language in the Land Use Plan.

There was no public comment. The issues of existing utility easements and well location were discussed. These issues can be corrected, if necessary during the site plan approval process. Trustee McKenna reported that the Planning Commission recommended approval of the requested rezoning. Much like the previous rezoning request, this plan is consistent with the revised Land Use Plan locational criteria for higher density. He also indicated that members of the public that attended the public hearing on this proposed rezoning were supportive of the plan.

There was no further discussion. The second reading of the proposed rezoning ordinance will be conducted at the 11/5/01 meeting.

Rezoning #357, Robert Cairnduff, part of 06-21-100-008; AG to R-1A/1st Reading

Supervisor Gabrielson reviewed the proposed rezoning. Trustee McKenna reported that the applicant is requesting to rezone two small strips of property in order to split them off his father's property and add them to his existing R-1A parcel, in order to build an addition on his house. There was no public comment. The second reading of the proposed rezoning ordinance will be conducted at the 11/5/01 meeting.

UNFINISHED BUSINESS-OTHER:

2002 Community Development Block Grant Projects

Office Manager Broecker reviewed recommendations for 2002 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:

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 15, 2001**

- Allocation of funds for Loose Senior Citizen Center operations (maximum 15% of annual entitlement).
- Allocation of funds for Loose Senior Center improvements.
- Construction of barrier-free restrooms and barrier-free picnic tables at the new Foley Park on North Road.

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 \$20,000.00 to the City of Linden's CDBG project account for improvements to the Loose Senior Citizen Center.
3. Allocate \$50,000.00 for an application to construct barrier-free restrooms and barrier-free picnic tables at Foley Park.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Motion carried. The appropriate application and resolutions will be presented at a future board meeting.

Sanitary Sewer Inventory Project

Supervisor Gabrielson reviewed the proposals from Rowe Incorporated and Lawrence Engineering for the township's sanitary sewer inventory project. It was noted that the proposals contained some differences due to different interpretations of the requirements of the project. The board agreed that these differences made it difficult to compare the proposals fairly. Attorney Cooley suggested that the board may want to consider rejecting the proposals and re-bidding the project after making the necessary revisions to the proposal documents. Supervisor Gabrielson also suggested that he and Trustees McKenna and Rowe form a temporary committee to work on this process.

Motion to reject all proposals for the Fenton Township Sanitary Sewer Inventory project and to develop a *revised Request for Proposal* document in order to re-bid the project.

Motion by: Rowe

Seconded: McKenna

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

Nays: None

Motion carried.

Motion to appoint Supervisor Gabrielson, Trustee McKenna and Trustee Rowe to a temporary committee to oversee the development of the revised sanitary sewer inventory project proposal documents.

Motion by: Gabrielson

Seconded: McKenna

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

Nays: None

Motion carried.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 15, 2001**

Proposed Renovation Project – Fenton Township Civic Community Center

Debra Honea of Ted Hu Associates presented the latest revisions to the proposed renovation plans for the Fenton Township Civic Community Center. The revisions, which include leaving the existing elevator, removal of the skylights and cathedral ceiling, and placing the HVAC equipment on the ground, result in an estimated cost reduction of \$145,000.00. She is seeking board approval to proceed with construction drawings which, upon further board approval, would be used to solicit bids on the project. She also distributed information to clarify the calculation method used for the architectural fees. It was noted that the board still has the authority to halt the project if acceptable bids are not received.

Motion to authorize Ted Hu Associates to develop construction drawings for the proposed renovations for the Fenton Township Civic Community Center, for the purpose of soliciting competitive bids for the project.

Motion by: Mueller

Seconded: Rowe

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

Nays: Mathis

Motion carried.

NEW BUSINESS:

Resolution No. 2001-41/Pinnacle Shores II Street Lighting Special Assessment

Supervisor Gabrielson reported that the owner/developer of Pinnacle Shores Subdivision has petitioned for a street lighting special assessment district for phase II of the development. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2001-41

WHEREAS, the Fenton Township Board has accepted a petition from the record owners of properties within Phase II of the Pinnacle Shores Subdivision to establish a special assessment district for street lighting within the development, and

WHEREAS, it has been determined that the petition has been signed by the record property owners representing over 50% of the land area in the proposed special assessment district, and

WHEREAS, plans and estimated costs for the foregoing street lighting have been placed on file in the office of the Township Clerk,

THEREFORE BE IT RESOLVED, that the Fenton Township Board does hereby tentatively declare its intent to have street lights installed in Phase II of the Pinnacle Shores Subdivision, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby tentatively establish the boundaries of the proposed special assessment district to include Lots 53-76 of the Pinnacle Shores Subdivision, and

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 15, 2001**

BE IT FURTHER RESOLVED, that the Fenton Township Board will hold a public hearing on the establishment of the proposed special assessment district at its regular meeting to be held on Monday November 5, 2001 at the Fenton Township Civic Community Center, beginning at 7:30 p.m.

Motion to adopt Resolution No. 2001-41 as presented.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Motion carried. Resolution declared adopted.

Resolution No. 2001-42 / Support for 911 Surcharge Increase

Supervisor Gabrielson reviewed a resolution supporting the increase of the 911 telephone bill surcharge from \$1.50 to \$2.40 per month per telephone. This increase, which must be formally approved by the Genesee County Board of Commissioners, is needed to fund 60% of the cost to upgrade emergency communications systems throughout Genesee County. The local units of government would be responsible to cover the remaining costs. This surcharge is also up for renewal on the August 2002 ballot. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2001-42

WHEREAS, in 1997 the voters of Genesee County approved a maximum surcharge of \$2.40 to be levied per month per telephone to pay for the operations of the 9-1-1 Emergency Dispatch System, and

WHEREAS, \$1.50 per month per telephone is currently being charged to pay for the operations of the 9-1-1 Emergency Dispatch System, and

WHEREAS, all of the police and fire departments in Genesee County wish to improve their radio communications by way of the installation of new transmitting towers and radios, and

WHEREAS, the proposed improvements are cost prohibitive to the Genesee County communities involved, and

WHEREAS, the communities of Genesee County have instructed their 9-1-1 Executive Board to request the Genesee County Board of Commissioners to increase the monthly surcharge to the maximum of \$2.40 to help defray the cost of the new communications system to the communities, and

WHEREAS, in order to continue with the financing of the new communications system, the issue must be placed before the electorate on the August 2002 ballot for a five year renewal to take effect in November 2002;

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 15, 2001**

NOW THEREFORE BE IT RESOLVED, that the Charter Township of Fenton Board of Trustees hereby supports an increase of the monthly 9-1-1 surcharge from \$1.50 to \$2.40 per telephone, to help defray the cost of the new emergency communications systems, and to place the five year renewal issue on the August 2002 ballot.

Motion to adopt Resolution No. 2001-42 as presented.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Motion carried. Resolution declared adopted.

Resolution No. 2001-43 / Sewer Debt Obligations-2002

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 2002. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2001-43

WHEREAS, the Charter Township of Fenton has a need to pay to the County of Genesee the sum of \$1,603,277.10 to meet the bond principal and interest requirements on all bond obligations for sewer facilities in 2002; 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 2002 will be secured from the following funds.

| | |
|--|-------------------------------|
| <i>Funds Already Available</i> | \$ _____ |
| <i>Tap-In Fees to be Collected</i> | \$ <u>750,000.00</u> |
| <i>Funds from Monthly Rates for Services</i> | \$ <u>486,149.10</u> |
| <i>General Fund</i> | \$ _____ |
| <i>Ad-Valorem Levy</i> | \$ <u>367,128.00</u> |
| <i>Other</i> | \$ _____ |
| Grand Total: | \$ <u>1,603,277.10</u> |

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.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 15, 2001**

Motion to adopt Resolution No. 2001-43 as presented.

Motion by: Mueller

Seconded: Garfield

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

Nays: None

Motion carried. Resolution declared adopted.

Revised Fenton Township Schedule of Fees

Office Manager Broecker reviewed proposed changes to the township's fee schedule. A new section has been added for GIS-related documents, a new fee has been added for parcel splits resulting from new subdivisions and condominium developments, and the fee for producing documents from internal systems, such as Assessing, Permit, Property Taxes, will be set at \$1.00 per page (photocopies of existing documents will still be \$.25 per page).

Motion to adopt the revised *Charter Township of Fenton Schedule of Fees*, effective 10/16/01, as presented.

Motion by: Garfield

Seconded: Mueller

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

Nays: None

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

David Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft questioned why, with the level of development in our area, are the schools still in need of funds raised from millage proposals. It was clarified that any school revenue generated from property taxes is for operations and cannot be spent on facilities. A voted millage is the only way to build or renovate school buildings.

ADJOURN: Meeting adjourned at 10:40 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 10/17/01