

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF NOVEMBER 19, 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, Mathis, Rowe, Office Manager Broecker
and Attorney Cooley

Absent: Krug, McKenna

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 11/19/01 Fenton Township Board Meeting agenda as presented.

Motion by: Rowe

Seconded: Mueller

Ayes: All Present

Nays: None

Absent: Krug, McKenna

Motion carried. The agenda is approved.

PRESENTATION:

Supervisor Gabrielson introduced Genesee County Sheriff Robert Pickell. Sheriff Pickell addressed the board regarding the Genesee County Sheriff Department Drug Enforcement Unit, which was created in 2001. The County's drug unit has been very successful this year, confiscating illegal drugs with a street value exceeding \$1 million. Since FANG operates primarily in the City of Flint, he believes the County's drug unit would better serve Fenton Township.

Sheriff Pickell also outlined a proposed program to assist area seniors in Fenton Township. The Sheriff's Senior Volunteer Patrol Program has been established in other communities to check on homes of seniors who are away on vacation or away for the winter, and to provide services to seniors who are shut-ins (pick up prescriptions, run errands, etc.). The program would be staffed by volunteers and coordinated from a central location. Supervisor Gabrielson noted that both issues will be discussed later on this evening's agenda.

MEETING MINUTES:

Treasurer Garfield asked that the minutes of the 11/12/01 special meeting be revised to include concerns regarding traffic and schools as reasons for the motion to deny the rezoning ordinance. The minutes of the 11/12/01 special meeting stand approved as amended. The minutes of the 11/5/01 regular meeting and 11/12/01 workshop meeting stand approved as presented.

EXPENDITURES:

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Motion to approve invoices for payment as presented.

Motion by: Rowe

Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, Mathis, Rowe

Nays: None

Absent: Krug, McKenna

Motion carried.

PUBLIC HEARINGS:

Byram Lake Drive Road Improvement Special Assessment District/1st Hearing

Supervisor Gabrielson reviewed the proposed special assessment district to pave Byram Lake Drive. The proposed district would include 23 parcels and the preliminary cost estimate (not included administration or financing costs) is approximately \$155,000.00. The board's decision on the resolution to create the assessment district is necessary before any engineering can be done on the project.

Public Comment:

Chris Anderson, 6085 Byram Lake Drive

Mr. Anderson questioned the language in the public notice that stated that the proposed project would pave the Fenton Township portion of Byram Lake Drive. Supervisor Gabrielson clarified that part of Byram Lake Drive lies within the City of Linden. The proposed project would pave only that portion of the road that lies in Fenton Township. The proposed assessment district includes only those properties in Fenton Township.

Bill Sloan, 6021 Byram Lake Drive

Mr. Sloan asked if properties located in the City of Linden that front this portion of the road could also be assessed. Office Manager Broecker responded that the township cannot legally assess properties outside of the township boundaries. Supervisor Gabrielson pointed out that when the City of Linden repaved Silver Lake Road, properties on the south side of the road that are in Fenton Township were not assessed for this improvement. This project would be very similar in that respect. Mr. Sloan also asked if the existing special assessment for maintenance would be continued. Office Manager Broecker responded that the assessment would continue but the amount assessed could be reduced since the need for grading and chloriding would be eliminated if the road is paved. Other similar roads have chosen to establish their assessment amount a little higher than the cost of snow plowing. This provides funding for any needed repairs (patching, pothole repair, etc.). Mr. Sloan asked about drainage and placement of the road. Supervisor Gabrielson explained that these issues would be addressed during the engineering phase of the project. A meeting will be scheduled to review the project with residents prior to any further board action.

Joann Sloan, 6021 Byram Lake Drive

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Ms. Sloan asked about the unpaved portion of Byram Lake Drive that lies in the City of Linden. Supervisor Gabrielson stated that the township would not pave the Linden portion of the road under this project. However, the City of Linden has indicated that they plan to pave their section in the near future.

Kim Virkler, 6091 Byram Lake Drive

Mr. Virkler asked about the design/bid process, the allocation of costs to property owners and design specifications. Office Manager Broecker explained that the Township Engineer will be responsible for the design of the project, as well as conducting the bidding for the construction. The Township Board has the ultimate authority to award the contract. The petition submitted requests that the cost of the project be spread equally among the 23 parcels in the proposed assessment district. Because part of the road is public, the project will be designed to Genesee County standards, although curbs, gutters and sidewalks are not expected to be a part of the project.

Wayne France, 6045 Byram Lake Drive

Mr. France stated that he is opposed to the paving project. He believes a paved road will result in higher vehicle speeds and higher risk for accidents. He stated that a paved road will also cause more pollutants to run into Byram Lake. He does not believe that paving the road represents a benefit to the property owners. He feels the unpaved road adds to the rural character of the area and should remain that way.

Janelle Tillman, 6074 Byram Lake Drive

Ms. Tillman also stated opposition to the proposed project. She agreed with Mr. France's concerns regarding safety and added that several residents are seniors and the cost would represent a financial burden.

Craig Lemieux, 6081 Byram Lake Drive

Mr. Lemieux stated that the project would indeed be a benefit to property owners. The current condition of the road creates a safety hazard and also causes damage to vehicles. He has lived on both paved and unpaved roads and does not believe paving the road will result in speeding that is any worse than on unpaved roads.

Judson Lind, 6055 Byram Lake Drive

Mr. Lind asked about the timing of the project. Supervisor Gabrielson responded that the first meeting with property owners to review proposed plans would likely be in the late January / early February time frame.

Clerk Mueller noted that the township board could still terminate the project if the bids were too high. Any costs incurred up to that point, however, would still be assessed against the properties in the district.

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

RESOLUTION NO. 2001-48

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WHEREAS, the Fenton Township Board has received petitions signed by more than 50% of the total road frontage of the proposed Special Assessment District described hereinafter, and accordingly, determined to proceed under the provisions of 1954 PA 188, as amended, to secure preliminary plans and estimates of cost together with a proposed Special Assessment District for assessing the costs of the proposed road improvement project to schedule a public hearing upon the same for this date, and

WHEREAS, the preliminary 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, an estimate of the cost of the project in the approximate amount of \$155,000.00, (not including administrative or financing costs), has been prepared and presented to this board, and

WHEREAS, in accordance with the aforesaid notices, a hearing was scheduled this 19th day of November 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 Byram Lake Drive Road Improvement Special Assessment District were properly signed by the record owners of land whose road frontage constitutes more than 50% of the total road frontage upon the proposed improvement, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby approve the preliminary plans for the paving of Byram Lake Drive as prepared and presented, and the estimate of the cost of the project in the amount of \$155,000.00 plus administrative and financing costs, and

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 Byram Lake Drive Road Improvement Special Assessment District, within which the costs of such improvements shall be assessed, the following described area within said township:

All properties located in Fenton Township which abut Byram Lake Drive

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

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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. 2001-48 as presented.

Motion by: Mueller

Seconded: Rowe

Ayes: Gabrielson, Mueller, Garfield, Mathis, Rowe

Nays: None

Absent: Krug, McKenna

Motion carried. Resolution declared adopted.

Pinnacle Shores II Street Lighting Special Assessment District/2nd Hearing

Supervisor Gabrielson reviewed the proposed street lighting special assessment for the second phase of the Pinnacle Shores subdivision. There was no public comment. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2001-47

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 Pinnacle Shores II 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, 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 presented, 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. 2002-2 and shall hereby be confirmed as the assessment roll for the Pinnacle Shores II Street Lighting Special Assessment District.

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BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2002-2 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 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. 2001-47 as presented.

Motion by: Mueller

Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, Mathis, Rowe

Nays: None

Absent: Krug, McKenna

Motion carried. Resolution declared adopted.

REPORTS:

Cable Television Issues

Supervisor Gabrielson reported that he, Trustee McKenna and members of the office staff had met with officials from Charter Communications to discuss the high volume of complaints received by the township office. A new procedure was developed to allow the township staff to fax a "Hot Gram" directly to a Charter representative who can respond to the problems sooner. We will monitor the progress of the new procedure.

COMMUNICATIONS:

Genesee County MTA Monthly Meeting

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Supervisor Gabrielson reminded the board that Fenton Township is hosting this month's meeting of the Genesee County Chapter of the MTA. The meeting will be held in this meeting room on Thursday November 29th at 7:30 p.m.

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Proposed Amendment to Ordinance No. 461 – Group Medical Insurance/1st

Reading

Office Manager Broecker reviewed the proposed amendatory ordinance that was discussed at the last workshop meeting, noting that language had been added to address medical insurance for eligible retirees. There was discussion regarding the need for the proposed amendments. It was pointed out that the ordinance is simply being updated to reflect changes that have already been approved by the township board either by resolution or in current employment contracts. There was no further discussion. The second reading of the proposed amendatory ordinance will be conducted at the 12/3/01 meeting.

Proposed Amendment to Ordinance No. 462 – Group Life Insurance/1st Reading

Office Manager Broecker reviewed the proposed amendatory ordinance, which adds the position of Fire Chief to the list of eligible employees, and also states that township employees must work 30 or more hours per week on a regular basis to be eligible for life insurance coverage. The language in the amendatory ordinance also states that the premium for the Fire Chief's insurance coverage will be secured from the Fire Fund. There was no further discussion. The second reading of the proposed amendatory ordinance will be conducted at the 12/3/01 meeting.

Proposed Amendment to Ordinance No. 529 – Disability Insurance/1st Reading

Office Manager Broecker reviewed the proposed amendatory ordinance, which adds language to provide that the premium for the Fire Chief's insurance coverage will be secured from the Fire Fund. There was no further discussion. The second reading of the proposed amendatory ordinance will be conducted at the 12/3/01 meeting.

UNFINISHED BUSINESS-OTHER:

Award of Contract – Sanitary Sewer Inventory Project

Supervisor Gabrielson reviewed the proposals for the township's sanitary sewer inventory project. The cost on a per manhole basis ranges from \$20.50 to \$50.00. The board discussed the components of the proposals. It was confirmed that all firms received the exact same document and responses to written questions were distributed in writing to all firms. Trustee Mathis questioned the large difference between the low and high bid. Trustee Rowe pointed out that the two low bids were very close, the two high bids were very close and one bid was in the middle. This range does not seem out of line. Clerk Mueller pointed out that the higher bids can be for a number of reasons. In some cases, the firm may not really want this particular project, but submits a bid out of courtesy so they will be included in future requests for bid.

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Motion to award the contract for the Fenton Township Sanitary Sewer Infrastructure Inventory Project to Lawrence Engineering, P.C. for a cost of \$20.50 per structure plus \$65.00 for each structure required to be located by traditional survey methods.

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

Motion carried.

NEW BUSINESS:

Lot Split #71, division of platted property, parcel 06-15-501-009

Supervisor Gabrielson reviewed a proposed lot split, which was recommended for approval by the Planning Commission. Applicant Marshall Brzezinski explained that his home is very close to the existing lot line. By splitting a small portion from the adjacent lot and adding it to his, it allows him to access the back side of his property without encroaching on the neighbors property. There was no further discussion

Motion to approve the division of parcel 06-15-501-009 as requested.

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

Motion carried.

Proposed Inter-Local Agreement – Loose Senior Citizen Center

Supervisor Gabrielson reviewed a proposed amendment to the Loose Senior Citizen Center Inter-Local Agreement. The amendments are necessary to update the agreement to reflect the formation of the Southern Lakes Regional Parks & Recreation District, changes to liability insurance limits, and other required changes.

Motion to approve the revised Inter-Local Agreement for the Loose Senior Citizen Center as presented, and to authorize the Township Supervisor and Township Clerk to enter into this Agreement on behalf of Fenton Township.

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

Motion carried.

Resolution No. 2001-49 / Hidden Ridge Street Lighting Special Assessment District

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Supervisor Gabrielson reported that the owners of the Hidden Ridge condominium development have petitioned for a street lighting special assessment. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2001-49

WHEREAS, the Fenton Township Board has accepted a petition from the record owners of properties within the Hidden Ridge condominium development 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 the Hidden Ridge condominium development, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby tentatively establish the boundaries of the proposed special assessment district to include Units 1-118 of the Hidden Ridge condominium development, and

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 December 3, 2001 at the Fenton Township Civic Community Center, beginning at 7:30 p.m.

Motion to adopt Resolution No. 2001-49 as presented.

Motion by: Mueller

Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, Mathis, Rowe

Nays: None

Absent: Krug, McKenna

Motion carried. Resolution declared adopted.

F.A.N.G. Membership

The board briefly discussed the issue of continuing the township's membership in the Flint Area Narcotics Group, (F.A.N.G.), a drug enforcement unit of the Michigan State Police. Supervisor Gabrielson stated that, because of the availability of the Sheriff Department's drug enforcement unit and the high membership cost in F.A.N.G., (approximately \$19,000 for 2002), he is recommending that the township not renew their F.A.N.G. membership for the coming year.

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Motion to not renew Fenton Township's membership in the Flint Area Narcotics Group for 2002.

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

Motion carried.

Proposed 2002 Meeting Schedule

Office Manager Broecker reviewed the proposed 2002 meeting schedule for the Fenton Township Board, Planning Commission and Zoning Board of Appeals. It was noted that because September has five Mondays in 2002, the Township Board meetings will be on the 2nd and 4th Mondays, Planning Commission on the 3rd Tuesday and ZBA on the 5th Monday. This avoids the week of Labor Day. Trustee Mathis questioned the small number of workshop meetings on the schedule. After a brief discussion, the board agreed to leave the regularly scheduled workshop meeting as presented, with the understanding that additional workshops can be scheduled as needed.

Motion to approve the 2002 Fenton Township Meeting Schedule as presented.

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

Motion carried.

Request for Financial Participation, Flint-Genesee Economic Growth Alliance

Supervisor Gabrielson reviewed a request from the Flint-Genesee Economic Growth Alliance requesting a \$1,200.00 investment from Fenton Township. The Growth Alliance works with Genesee County communities to attract and retain commercial and industrial businesses. They are involved in the township's Thompson Road Corridor Study and can be a real asset to local governmental units in the area of economic growth. Treasurer Garfield and Trustee Mathis questioned the need for the township's involvement with the Growth Alliance. It was noted that the Growth Alliance is having a workshop meeting on November 29th. Trustee Rowe suggested postponing the decision on this issue until board members had the opportunity to attend the meeting to gain a clearer understanding of the Growth Alliance's role in Genesee County. The board agreed to postpone the issue until the 12/3/01 meeting.

Genesee County Sheriff Department – Senior Volunteer Patrol Program

Supervisor Gabrielson recommended implementation of the Senior Volunteer Patrol Program outlined by Sheriff Pickell earlier this evening. He believes it will be a very positive program for our area. He also recommends that the Township Board authorize the expenditure of up to \$1,000.00 in startup costs (shirts, supplies, etc. for volunteer workers).

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Motion to authorize the expenditure of up to \$1,000.00 for implementation of the Genesee County Sheriff Department Senior Volunteer Patrol Program, as presented.

Motion by: Garfield

Seconded: Rowe

Ayes: Gabrielson, Mueller, Garfield, Mathis, Rowe

Nays: None

Absent: Krug, McKenna

Motion carried.

Revised Cost – Fire Truck Purchase

Supervisor Gabrielson reviewed a proposed contract from Pierce Manufacturing for the purchase of a new fire truck. The contract amount is approximately \$12,500.00 higher than the \$320,000.00 initially authorized by the Township Board. The cost increase is due to higher production costs and the need to customize this truck to fit in Station #2. Clerk Mueller pointed out that the cost increase is less than the rate of inflation over the past three years since the last truck was ordered.

Motion to approve the contract between Fenton Township and Pierce Manufacturing for the purchase of a new fire truck at a cost of \$332,548.00, as presented.

Motion by: Mueller

Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, Mathis, Rowe

Nays: None

Absent: Krug, McKenna

Motion carried.

Proposed Workers Compensation Return-To-Work Policy

Office Manager Broecker reviewed a proposed Workers Compensation *Return-To-Work Policy* that was recommended by the township's insurance agent. The policy, if adopted, would establish a framework to minimize time off work due to work-related injuries or illnesses. The adoption of the policy would also result in a 5% reduction in the township's workers compensation insurance premium (approximately \$850.00). Treasurer Garfield and Trustee Mathis questioned the need for such a policy. They feel the policy creates unnecessary jobs.

Motion to adopt the workers compensation *Return-To-Work Program* policy as presented.

Motion by: Mueller

Seconded: Rowe

Ayes: Gabrielson, Mueller, Rowe

Nays: Garfield, Mathis

Absent: Krug, McKenna

Motion failed.

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Proposal for GIS Contour Data

Supervisor Gabrielson reviewed a proposal from Aerocon Photogrammetric Services, Inc. for 2-foot contour data for Fenton Township. The Township had planned to purchase this data in a future phase of the GIS project, however the vendor is offering a 10% discount if we order now. Clerk Mueller pointed out that this information will be very useful in calculating water flow and eliminating drainage problems.

Motion to authorize the purchase of 2-foot GIS contour data from Aerocon Photogrammetric Services, Inc. for a cost of \$38,934.00, as presented.

Motion by: Garfield

Seconded: Rowe

Ayes: Gabrielson, Mueller, Garfield, Mathis, Rowe

Nays: None

Absent: Krug, McKenna

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

None

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

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 11/26/01