

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF DECEMBER 17, 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 12/17/01 Fenton Township Board Meeting agenda as presented.

Motion by: Krug

Seconded: McKenna

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 12/3/01 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices for payment as presented.

Motion by: Rowe

Seconded: Krug

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

Hidden Ridge I Street Lighting Special Assessment District/2nd Hearing

Supervisor Gabrielson reviewed the proposed special assessment district to provide street lights in the first phase of the Hidden Ridge condominium development. There was no public comment. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2001-52

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 Hidden Ridge I Street Lighting Special Assessment District as shown on the plans and specification for such project;

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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 submitted, 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. 2002-4 and shall hereby be confirmed as the assessment roll for the Hidden Ridge I Street Lighting Special Assessment District.

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2002-4 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. 2001-52 as presented.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Motion carried. Resolution declared adopted.

REPORTS:

Road Issues

Supervisor Gabrielson reported that the board would conduct their annual hearing on local road improvements at the 1/7/02 meeting. Citizens and board members are welcome to submit potential local road improvement projects for consideration at that hearing.

Trustee Krug reported that he had attended a public hearing held by the Genesee County Road Commission for a proposed special assessment district to pave Dalhart Drive. A special assessment petition is now being circulated.

COMMUNICATIONS:

Supervisor Gabrielson reviewed a memo regarding upcoming Planning Commission meetings. On January 9, 2002, a public hearing will be held for the proposed new Zoning Ordinance and Zoning Map. On January 10, 2002 a public input session will be held for the Thompson Road Corridor Study.

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

**Rezoning #359, Lake Fenton Community Schools, 06-09-400-008 & part of
06-09-400-007; AG to R1-E/1st Reading**

Supervisor Gabrielson reviewed the proposed rezoning ordinance. Ralph Coaster, Lake Fenton Schools Superintendent, stated that the request was to rezone a small portion of property owned by the school, which would result in two parcels of slightly more than two acres each. One parcel is an existing home and the second parcel will remain with the Bayley family, who previously owned the entire parcel. There was no public comment. The second reading of the proposed rezoning ordinance will be conducted at the 1/7/02 meeting.

UNFINISHED BUSINESS-OTHER:

January Workshop Meeting

The board discussed the scheduling of a workshop meeting for January. It was agreed to hold the meeting on Saturday January 12, 2002, beginning at 9:00 a.m.

NEW BUSINESS:

Resolution No. 2001-53, Conveyance of State-Owned Land to Fenton Township

Supervisor Gabrielson reviewed a memo from Office Manager Broecker recommending that the township purchase from the DNR a small piece of property that reverted to the State of Michigan due to unpaid property taxes. A sanitary sewer pump station is located on the property so it is in the best interest of the township to acquire ownership of the property. The only cost is a \$300 processing fee. Clerk Mueller presented the following resolution:

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RESOLUTION NO. 2001-53

WHEREAS, Act 451, PA 1994, as amended, provides for the conveyance of State-owned tax-reverted lands to municipal units for public purposes, and

WHEREAS, such lands are under the jurisdiction of the State of Michigan, Department of Natural Resources and are available for acquisition under the provisions of the above mentioned act:

EAST ½ OF EAST ½ OF LOT 16 - HORRELL'S HI-LANDS

and

WHEREAS, the Charter Township of Fenton Board of Trustees desires to acquire such lands for purposes of maintaining an existing sanitary sewer pump station;

NOW THEREFORE BE IT RESOLVED, that the Charter Township of Fenton Board of Trustees is authorized to make application to the State of Michigan, Department of Natural Resources, Real Estate Division for conveyance of said land to the Charter Township of Fenton for a nominal fee as set by the Natural Resources Commission, and

BE IT FURTHER RESOLVED, that the Charter Township of Fenton Board of Trustees shall set up necessary procedures and controls to provide for the proper distribution of funds arising from the subsequent sale of the acquired property in conformity with the above mentioned acts.

Motion to adopt Resolution No. 2001-53 as presented.

Motion by: Mueller

Seconded: Krug

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

Nays: None

Motion carried. Resolution declared adopted.

Proposed GIS Services Agreement – North Arrow Technologies, LLC

The board reviewed a proposed GIS Services Agreement with North Arrow Technologies for 2002. The projected cost of approximately \$205,000.00 is based on estimates of the hours needed to complete the various components of this phase of the GIS project. Approximately \$38,000.00 of the expense would be allocated to the General Fund and approximately \$167,000.00 to the Sewer Fund. Of the Sewer Fund total, \$91,000.00 is for the GPS location of sewer manholes. Jason Taylor, Chief Associate of North Arrow Technologies, stated that this is the component that was removed from the final bid package for the Sewer Inventory Project. By completing the GPS portion of the inventory project under the scope of the GIS project, the township saves over \$100,000.00.

The board discussed placing a dollar cap on the agreement, with the understanding that this is a dynamic process that must remain somewhat flexible. It was noted that the 2002 budget would be amended to reflect the dollar amounts provided in the estimate.

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Exceeding those amounts would require board action to further amend the budget. It was suggested that the 3rd quarter update provided by North Arrow Technologies should include projected budget comparisons.

Motion to approve the GIS Services Agreement between the Charter Township of Fenton and North Arrow Technologies, LLC, as presented.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Motion carried.

Proposed Employment Agreement – Fire Chief

Supervisor Gabrielson reviewed a proposed 3-year employment agreement for Fire Chief John Moulton. Chief Moulton has been a member of the Fenton Township Fire Department for 14 years and has been Chief since 1993. The only changes to the current agreement are one additional week of paid vacation and a 3.5% annual salary increase.

Treasurer Garfield stated that she is opposed to three provisions of the agreement:

- ❑ The 3-year term of the agreement.
- ❑ The language that pays up to one year's salary to the employee if he is terminated without cause.
- ❑ The 3.5 % annual salary increase.

She is in favor of a 1-year renewable agreement instead of the 3-year term. She also stated that our Fire Chief is already among the top paid chiefs in Genesee County and the 3.5% salary increase is not warranted.

Trustee Mathis agreed with Treasurer Garfield's concerns, and also asked why the agreement still indicates that the Fire Chief will serve as a backup Building Inspector.

Supervisor Gabrielson responded that the Fire Chief would fill the role of backup Building Inspector only until the township hires or contracts with a part-time inspector. Regarding the proposed salary, Fire Chiefs in Grand Blanc, Flint Township and the City of Fenton all currently earn more than the Fenton Township Fire Chief.

Trustee Rowe stated that he researched fire department salaries on the internet and the proposed salary for the Fire Chief is about average for similar positions in Michigan. He feels the proposed agreement is reasonable. He also stated that he supports the termination language in the agreement. The payment of up to one year's salary only would only occur if the Fire Chief were terminated without cause. Termination without cause could be determined to be a breach of the agreement by the employer and one year's salary is fair compensation. Clerk Mueller added that, in addition to protecting the employee from unwarranted termination, this provision also protects the township from potential lawsuits.

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Supervisor Gabrielson also pointed out that language had been added to the agreement to require an annual performance review. The board agreed to amend this provision to require input from the Township Board when developing the annual performance review.

Motion to approve the Employment Agreement between the Charter Township of Fenton and Fire Chief John Moulton, as amended.

Motion by: Rowe

Seconded: McKenna

Ayes: Gabrielson, Mueller, Krug, McKenna, Rowe

Nays: Garfield, Mathis

Motion carried.

Proposed Amendments – 2001 Fenton Township Budget

Office Manager Broecker reviewed the final amendments to the Fenton Township budgets. The board briefly discussed line items regarding mileage reimbursements and vehicle use allowances.

Motion to adopt 2001 Fenton Township budget amendments as presented.

Motion by: McKenna

Seconded: Rowe

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

Nays: None

Motion carried.

Appointment of Zoning Administrator

The board was reminded that Supervisor Gabrielson was designated as the township's Zoning Administrator in April of this year, effective through the end of 2001. A decision must now be made regarding the Zoning Administrator position.

Treasurer Garfield stated that she had contacted the MTA regarding zoning administration and that function typically falls under the Building Inspection area. She also suggested that the positions of Supervisor and Zoning Administrator may be legally incompatible. Supervisor Gabrielson responded that the MTA legal counsel had been consulted and the two positions do not create a situation of incompatible offices or conflict of interest.

Trustee Krug shared information obtained from the MTA regarding Zoning Administrator salaries for townships similar in population and SEV. For those township employing a Zoning Administrator, the salaries range from approximately \$25,000.00 to \$45,000.00. Based on this information, hiring an additional employee or contracting for Zoning Administrator services would likely cost much more than the \$15,000.00 proposed to be paid to Supervisor Gabrielson.

Trustee Mathis questioned how the zoning administration duties were handled in the past. Supervisor Gabrielson stated that many of the duties simply weren't done. Additionally, many of the duties of the Zoning Administrator are a result of changes and updates to ordinances, policies and procedures that have taken place in the last five years.

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Trustee McKenna stated that the old Zoning Ordinance, adopted in 1971, does not clearly define the role of a Zoning Administrator. The new Zoning Ordinance places a great deal of responsibility on the Zoning Administrator.

Trustee Krug noted that the township has paid for Supervisor Gabrielson to receive the education and training necessary to perform the duties of Zoning Administrator. It doesn't seem logical to hire another employee or an outside firm for these duties and not utilize the in-house expertise that the township has paid for.

Trustee Rowe stated that Supervisor Gabrielson is getting the job done effectively. To spend up to \$45,000.00 to hire another employee or outside firm doesn't make sense.

It was also pointed out that the board may continue to research the issue and could take action to change whatever decision is made this evening.

Motion to allow Supervisor Gabrielson to abstain from voting on the designation of the Fenton Township Zoning Administrator due to a conflict of interest.

Motion by: McKenna

Seconded: Rowe

Ayes: All

Nays: None

Motion carried.

Motion to designate Supervisor Gabrielson as the Fenton Township Zoning Administrator, at an annual salary of \$15,000.00, for the remainder of his term of office as Township Supervisor.

Motion by: Mueller

Seconded: Rowe

Ayes: Mueller, Garfield, Krug, McKenna, Rowe

Nays: Mathis

Abstentions: Gabrielson

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Patrick Carmody, 16245 Silvershore Drive

Mr. Carmody asked the board to consider allowing public comment earlier on the agenda. He believes citizens should be able to comment on agenda items before they are acted upon. Mr. Carmody also expressed concern regarding the Zoning Administrator issue. He believes the position needs to be more clearly defined with regard to scope and responsibility. Trustee McKenna responded that the new Zoning Ordinance will help further define the position.

David Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked when the township would be addressing lake-related ordinances. He is in favor of establishing a speed limit on Lake Ponemah and also enforcing noise

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limitations for boats. Supervisor Gabrielson responded that lake-related ordinances would be reviewed after the adoption of the Zoning Ordinance, probably in the April time frame. Mr. Hawcroft also expressed concern regarding various drainage and pollution issues affecting Lake Ponemah. Supervisor Gabrielson noted that new laws would place stronger restrictions on storm water runoff and pollution. This will give the township and other agencies a stronger enforcement tool to address violations.

Gary Carlson, 14041 Squaw Lake Drive

Regarding drainage issues, Mr. Carlson wanted to clarify that the Dauner Drain now flows to the Shiawassee River, not Lake Fenton as was stated at a previous Township Board meeting.

ADJOURN: Meeting adjourned at 9:30 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 12/19/01