

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF APRIL 1, 2002**

**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 4/1/02 Fenton Township Board Meeting agenda as presented.

Motion by: McKenna

Seconded: Krug

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 3/18/02 regular meeting stand approved as presented.

EXPENDITURES:

Treasurer Garfield noted that one of the items in the expenditure list is for a used equipment trailer for the Fire Department. This trailer will be used to store and transport confined space, hazardous material and ice rescue equipment. The trailer has already been modified to be used for this purpose and the \$4,000.00 cost is approximately half the cost of a new trailer. Motion to approve invoices for payment as presented.

Motion by: McKenna

Seconded: Rowe

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

Nays: None

Motion carried.

PRESENTATION:

Advanced Pest Management Report

Greg Seago of Advanced Pest Management (APM) reported that the 2002 mosquito control program is under way. Due to the success of the aerial larvicide application done in 2001, this process will be used again this year. The flight is tentatively scheduled for the third week in April, depending on weather conditions. Due to heightened security concerns, APM will take extra measures to increase public awareness regarding the aerial application by timely communication to the media, local units of government and law enforcement agencies.

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Additionally, Mr. Seago reported that APM will utilize GPS equipment to help manage their spraying processes this year. APM has also increased vehicles in their fleet and has implemented new procedures to minimize security risks.

PUBLIC HEARINGS:

None

REPORTS:

Genesee County WWS Capacity Utilization Report

Supervisor Gabrielson briefly reviewed the quarterly report from Genesee County Water & Waste Services regarding the number of sanitary sewer units connected and available in District #3.

Public Safety Committee

Treasurer Garfield reported that Fire Chief Moulton has recommended the enactment of an ordinance to require all commercial buildings to have a keybox accessible to emergency personnel. This would allow faster and safer access to a building during an emergency. This issue will be researched.

COMMUNICATIONS:

Public Act 222 of 2001 – Sewer Liability Law

Supervisor Gabrielson noted that a copy of the recently revised sewer liability law has been provided to the board for reference purposes.

Notification of Resignation from Fire Department

Supervisor Gabrielson noted that Fire Chief Moulton had notified him that Captain Matt Conly had submitted his resignation from the Fire Department.

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS-OTHER:

None

NEW BUSINESS:

ZBA Case #1825 K. Hartem, Redistribution of Platted Property; 06-30-502-047

Supervisor Gabrielson reviewed the proposed lot division, noting that this case had been referred back to the Zoning Board of Appeals for a decision on a variance. Trustee Krug reported that the ZBA had voted 4-2 in favor of granting a lot area variance to allow the requested splits. The ZBA felt that the requested division, while it created two conforming and two non-conforming parcels, was preferable to splitting off up to seven individual platted lots, which the applicant can do without further approvals. Trustee Krug also stated that the resulting parcels would be comparable to other parcels and homes in the neighborhood. Trustee Rowe questioned whether the applicant would actually split off that many lots and build on each of them. Treasurer Garfield and Trustee Mathis noted that the applicant could have created three conforming parcels

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instead of two conforming and two non-conforming. Trustee McKenna questioned the basis for granting a variance. He does not believe a true hardship exists.

Motion to approve the redistribution of platted lots contained in parcel 06-30-502-047, as requested.

Motion by: Rowe

Seconded: Garfield

Ayes: None

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

Motion failed. The request is denied.

Proposed Street Improvement Special Assessment District – Island View Drive

Supervisor Gabrielson reported that, after the board's recent action to honor the previous practice of 25% participation in a special assessment for Silvercrest Drive, he was contacted by a resident of Island View Drive. Apparently, the residents of the unpaved portion of Island View Drive, (between Jacob Road and Eleanor Drive), have been involved in an ongoing effort with the Genesee County Road Commission to approve a paving project for their street. Information received from the Genesee County Road Commission indicates that this process began well before the Township Board's decision to discontinue financial participation in special assessment projects. Therefore he is recommending that the Township Board authorize a 25% participation in the proposed Island View Drive special assessment project. The township's share of the cost would be approximately \$15,415.00, which would be spread over ten years.

Trustee Rowe stated that he had no problem participating in this project but asked why it wasn't mentioned as a potential issue when the Silvercrest decision was made. Supervisor Gabrielson responded that the entire process is handled at the Genesee County Road Commission. The Township was not previously aware that a petition effort was under way.

Motion to participate in the Island View Drive road improvement special assessment district, if ultimately approved, and accept a cost allocation of 25% of the project.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Motion carried.

Resolution No. 2002-05, Honoring Eagle Scout Michael J. Lenze

Supervisor Gabrielson reported that a Fenton Township resident had achieved the rank of Eagle Scout in Troop 212. Michael J. Lenze was not able to attend tonight's meeting but an honorary resolution will be presented to him. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2002-05

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WHEREAS, Fenton Township resident Michael J. Lenze has been an active member of the community through Scouting, school and church activities throughout his life, and

WHEREAS, Mr. Lenze has recently attained the rank of Eagle in Boy Scout Troop 212 of the Tall Pine Council's New Horizon District;

THEREFORE BE IT RESOLVED, that the Fenton Township Board of Trustees hereby applauds the commitment and dedication of Michael J. Lenze and extends its heartiest congratulations to him on the occasion of his attaining the rank of Eagle Scout, and

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the minutes of this meeting and a copy sent to Mr. Lenze.

Motion to adopt resolution No. 2002-05 as presented:

Motion by: Mueller

Seconded: Krug

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

Nays: None

Motion carried. Resolution declared adopted.

Law Day Proclamation

Supervisor Gabrielson reviewed a letter from the Genesee County Bar Association regarding the designation of May 1, 2002 as "Law Day". Clerk Mueller presented the following:

LAW DAY PROCLAMATION-2002

When we recite the Pledge of Allegiance in the United States, we celebrate our nation's commitment to "liberty and justice for all". As Americans, we are proud of our heritage of liberty under law. We know that the rule of law safeguards our rights and our precious freedoms.

But how close do we come in practice to the ideal cut in stone over the entrance to the United States Supreme Court: "Equal Justice Under Law"? Do all Americans have equal access to justice? Are the scales too often weighted against those who can't afford legal services? Do we have "justice for some and injustice for the rest"?

Law Day this year – with its theme of "Assuring Equal Justice for All" – is an opportunity for all of us, in government and the private sector, to look at our efforts to make equal justice a reality, and to work together to reach that goal.

For more than 100 years, America's charitable institutions and foundations, its lawyers and its courts, and countless others have worked to bring equal justice to as many people as possible.

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Law Day 2002 is an opportune time to recognize the work of those who try to make courts accessible and justice equal.

- ◆ *Legal aid offices providing legal services to those unable to afford them*
- ◆ *Pro bono publico programs, under which private lawyers accept worthy cases at no fee*
- ◆ *Lawyer referral programs that help people find appropriate legal services*
- ◆ *Public defender programs that provide legal services to criminally accused persons unable to pay for their own defense*
- ◆ *Court programs designed to inform the public about laws and legal procedures, provide interpreters for those who need them, and generally make courts accessible.*

We appreciate the efforts of these professionals who represent those in need. We celebrate their success stories, such as

- ◆ *Helping domestic violence victims find safety and win their legal rights*
- ◆ *Helping the elderly who are in desperate need*
- ◆ *Helping children and teenagers who need guidance and protection.*

Much has been done in recent years to “level the playing field” and give more and more Americans an equal chance at justice.

But Law Day is also a reminder that we have much work left to do. Let us take this opportunity to renew our efforts. Let us offer greater support to those who work daily to provide legal services to those who most need them. Let us dedicate ourselves to improving our courts and our justice system so that we will truly have “justice for all”.

Now Therefore, Be It Resolved, that the Township Board of the Charter Township of Fenton does hereby proclaim Wednesday May 1, 2002 as Law Day. We urge the citizens, schools, businesses and media of the Fenton community and all of Genesee County to use this occasion to dedicate ourselves to providing equal justice for all.

Motion to adopt the Law Day 2002 Proclamation as presented.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Motion carried. The proclamation is declared adopted.

Proposed Administrative Consent Order – Michigan DEQ

Office Manager Broecker reviewed an Administrative Consent Order (ACO) drafted by the Michigan Department of Environmental Quality (DEQ). This document is similar to documents entered into by the DEQ and other governmental units that operate sanitary sewer systems. The ACO provides historical information regarding past sanitary sewer overflows (SSO's) in Fenton Township and outlines an action plan to prevent future violations of the Natural Resources and Environmental Protection Act. This action plan

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is based largely on the Township's Sewer Inventory Project plan, which is already under way. The ACO assesses investigation fees and penalties for past violations totaling \$10,500.00, and establishes a framework for penalties for any future violations of the ACO.

Attorney Cooley noted that the original version of the ACO was much more severe with higher penalties. Through the efforts of the Township Supervisor and staff, the penalties were reduced and the provisions of the ACO are much more reasonable.

Motion to approve Michigan DEQ Administrative Consent Order #ACO-SW02-018 as presented, and to authorize the Township Supervisor to enter into the ACO on behalf of the Charter Township of Fenton.

Motion by: Mueller

Seconded: Garfield

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

Nays: None

Motion carried.

Proposed Landscaping & Barrier-Free Improvements – Fire Station #2

Supervisor Gabrielson reviewed two communications regarding Fire Station #2. The first is a letter from Howard Homes, the developer of the Pine Lake Forest condominium development. They are asking for additional landscaping around Fire Station #2 to shield the dumpster and the back of the property. Supervisor Gabrielson noted that much of the landscaping was not done because of changes to the detention pond next to the station. The Township should now proceed to complete the landscaping for the fire station property. Trustee McKenna pointed out that any landscaping should comply with the newly adopted Zoning Ordinance. We should ask the Township Engineer to develop a plan and secure at least three proposals to complete the work.

Motion to authorize the Township Engineer to develop a landscape plan for Fenton Township Fire Station #2, in compliance with the Fenton Township Zoning Ordinance, and to secure a minimum of three proposals to complete the project.

Motion by: McKenna

Seconded: Rowe

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

Nays: None

Motion carried.

The second memo from Rowe Incorporated outlines the necessary barrier-free improvements for Fenton Township Fire Station #2. Since this location is utilized as a voting precinct it must be accessible.

Motion to authorize the Township Engineer to secure a minimum of three proposals for completion of barrier-free improvements at Fenton Township Fire Station #2, as presented.

Motion by: Krug

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

Revised Fenton Township Schedule of Fees

Office Manager Broecker reviewed proposed changes to the Fenton Township Schedule of Fees. Sewer rates, which were previously approved, and various other changes necessitated by the new Zoning Ordinance are included in the proposed revisions.

Motion to adopt the revised Fenton Township Schedule of Fees as presented.

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

Proposed 2002 Fenton Township Budget Amendments

Office Manager Broecker reviewed proposed amendments to the Fenton Township Budget. Most proposed changes to the General Fund Budget are a result of the approved building renovation project. Several Sewer Fund revisions are a result of the GIS project and identified repairs and upgrades resulting from the Sewer Inventory Project.

Motion to adopt amendments to the 2002 Fenton Township Budget as presented.

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

Workshop Meeting – 4/6/02

Supervisor Gabrielson reminded the board of the regularly scheduled workshop meeting this Saturday April 6, 2002. The board agreed to move the meeting time to 9:00 a.m.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Patrick Carmody, 16245 Silvershore Drive

Mr. Carmody stated that, although he was disappointed with the outcome of the decision on the building renovation project, he believes it represents a good example of the way government should work. He is willing to accept the decision of the Township Board and move on. Although the press has indicated that some individuals may pursue the recall of elected officials, he wanted the board to know he is not a part of that effort.

Kirsten Hawes, 4282 Owen Road

Ms. Hawes stated that water tests conducted on Silver and Marl Lakes approximately 18 months ago showed high levels of e-coli bacteria in some areas. One area of concern is a

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storm drain that drains water from the Silver Ridge and Silver Knoll subdivisions into Silver Lake. Supervisor Gabrielson stated that the Township will investigate the issue.

ADJOURN: Meeting adjourned at 9:25 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 4/2/02