

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MAY 21, 2002**

**LAKE FENTON HIGH SCHOOL  
11425 TORREY ROAD, FENTON, MICHIGAN**

Clerk Mueller 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 5/21/02 Fenton Township Board Meeting agenda as presented.

Motion by: Krug

Seconded: McKenna

Ayes: All

Nays: None

Motion carried. The agenda is approved.

Supervisor Gabrielson stated that, due to the number of residents in attendance, the two special assessment public hearings would be moved up on the agenda.

**PUBLIC HEARINGS:**

**Curtwood Drive/Silver Ridge Road Improvement Special Assessment/1<sup>st</sup> Hearing**

Supervisor Gabrielson reviewed the proposed special assessment district to pave Curtwood Drive and Silver Ridge Road. The approximate cost, not including contingencies, administrative costs or financing costs, is \$89,475.00.

Public Comment:

Neil Walsh, 15339 Silver Ridge

Mr. Walsh stated that he is opposed to the proposed improvement. He prefers the rural atmosphere of an unpaved road. He also cited concerns regarding speed, traffic, liability, increased crime, wetland impact and environmental impact as reasons for his opposition.

Gary Konsza, 15259 Curtwood Drive

Mr. Konsza submitted a letter to Clerk Mueller, which stated his opposition to the proposed project. In addition to the concerns raised by Mr. Walsh, he also stated that the proposed improvement would negatively impact the privacy of the residents and the aesthetic qualities of the neighborhood.

Jerry Eisenbeis, 13556 Silver Ridge

Mr. Eisenbeis stated that 88% of the property owners have signed the petition and are in favor of the paving project. A paved road will help control erosion problems and improve the entire neighborhood. The existing road is in very poor condition and in need of upgrading.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MAY 21, 2002**

Tom Miller, 15285 Curtwood Drive

Mr. Miller stated that he supports this proposed assessment district and it is clear that a significant majority of the affected property owners support it as well. He added that if there are any liability issues with the road, it makes not difference if the road is paved or unpaved.

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

**RESOLUTION NO. 2002-09**

*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 \$89,475.00, (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 21<sup>st</sup> day of May 2002 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 Curtwood Drive/Silver Ridge 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 Curtwood Drive and Silver Ridge Road as prepared and presented, and the estimate of the cost of the project in the amount of \$89,475.00 plus administrative and financing costs, and*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MAY 21, 2002**

*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 Curtwood Drive/Silver Ridge Road Improvement Special Assessment District, within which the costs of such improvements shall be assessed, the following described area within said township:*

***All properties which have frontage on or have legal access to Curtwood Drive and/or Silver Ridge Road***

*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. 2002-09 as presented.

Motion by: Mueller

Seconded: Garfield

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

Nays: None

Motion carried. Resolution declared adopted.

Supervisor Gabrielson reported that, in anticipation of the preceding resolution, an assessment roll has been certified and submitted to the Township Clerk. Clerk Mueller presented the following resolution:

**RESOLUTION NO. 2002-10**

*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 \$102,697.00 covering all parcels of land in the Curtwood Drive/Silver Ridge Road Improvement 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*

*BE IT FURTHER RESOLVED, that the Fenton Township Board shall meet at 7:30 p.m. on June 18, 2002 at the Lake Fenton High School located at 11425 Torrey*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MAY 21, 2002**

*Road, 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 Curtwood Drive/Silver Ridge Road Improvement 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. 2002-10 as presented.

Motion by: Mueller

Seconded: Rowe

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

Nays: None

Motion carried. Resolution declared adopted.

**Woodhull Landing Road Improvement Special Assessment/1<sup>st</sup> Hearing**

Supervisor Gabrielson reviewed the proposed special assessment district to pave Woodhull Landing. The approximate cost, not including contingencies, administrative costs or financing costs, is \$55,047.00. Trustee Mathis asked to be allowed to abstain from voting due to a conflict of interest. Her mother owns property in this proposed assessment district.

Motion to allow Trustee Mathis to abstain from voting on the proposed special assessment district for Woodhull Landing.

Motion by: Gabrielson

Seconded: Garfield

Ayes: All

Nays: None

Motion carried.

Public Comment:

Robert Bade, 12530 Fenton Road

Mr. Bade asked if the road would be widened as a part of the proposed project. It was confirmed that the road would be paved "as is" with no widening. The only exception may be the entrance at Fenton Road, which will require approval from the Genesee County Road Commission.

Mark Trudell, 12468 Woodhull Landing

Mr. Trudell stated that he reviewed the plans and cost estimate at the township office and supports the project.

Lou Dortch, 12450 Woodhull Landing

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MAY 21, 2002**

Mr. Dortch confirmed that the road width varies between 12 and 15 feet and there would be no widening, except for two “pull over” areas to allow cars to pass.

Bonnie Mathis, 11528 Torrey Road

Ms. Mathis, representing her mother’s property, stated that previous attempts to pave the road met with much opposition because the proposals included making the road wider and removing a number of trees. She supports the current project as proposed.

Clerk Mueller stated that a letter of opposition had been received from Susan Baldwin and Louise Parker.

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

**RESOLUTION NO. 2002-11**

*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 \$55,047.00, (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 21<sup>st</sup> day of May 2002 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 Woodhull Landing 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*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MAY 21, 2002**

*BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby approve the preliminary plans for the paving of Woodhull Landing as prepared and presented, and the estimate of the cost of the project in the amount of \$55,047.00 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 Woodhull Landing Road Improvement Special Assessment District, within which the costs of such improvements shall be assessed, the following described area within said township:*

***All properties which abut Woodhull Landing***

*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. 2002-11 as presented.

Motion by: Mueller

Seconded: Garfield

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

Nays: None

Abstaining: Mathis

Motion carried. Resolution declared adopted.

Supervisor Gabrielson reported that, in anticipation of the preceding resolution, an assessment roll has been certified and submitted to the Township Clerk. Clerk Mueller presented the following resolution:

**RESOLUTION NO. 2002-12**

*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 \$64,407.00 covering all parcels of land in the Woodhull Landing Road Improvement 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*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MAY 21, 2002**

*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*

*BE IT FURTHER RESOLVED, that the Fenton Township Board shall meet at 7:30 p.m. on June 18, 2002 at the Lake Fenton High School located at 11425 Torrey Road, 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 Woodhull Landing Road Improvement 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. 2002-12 as presented.

Motion by: Mueller

Seconded: Krug

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

Nays: None

Abstaining: Mathis

Motion carried. Resolution declared adopted.

**HONORARY RESOLUTIONS:**

**Resolution No. 2002-14, Honoring Planning Commissioner Bert Culpepper**

Supervisor Gabrielson stated that an honorary resolution had been prepared for Bert Culpepper, who is stepping down after more than nine years on the Fenton Township Planning Commission. He presented the following resolution:

**RESOLUTION NO. 2002-14**

*WHEREAS, Bertram C. Culpepper is stepping down from his position on the Fenton Township Planning Commission as of May 31, 2002, and*

*WHEREAS, Mr. Culpepper has been a resident of Fenton Township for many years, during which time he has contributed greatly to the progress and welfare of the community, most notably as a member of the Fenton Township Planning Commission, the Fenton Township Zoning Board of Appeals and the Fenton Township Service Club, and*

*WHEREAS, Mr. Culpepper served loyally and faithfully as a member of the Fenton Township Planning Commission from 1992 to 2002 and the Zoning Board of Appeals from 1995 to 2001, exhibiting the qualities of vision and leadership throughout his tenure as an appointed official, and*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MAY 21, 2002**

*WHEREAS, under Mr. Culpepper's leadership, the Fenton Township Planning Commission has guided and overseen the growth and development of the Township during a time of significant transition, including the development and adoption of an updated Land Use Plan and an updated Zoning Ordinance, and*

*WHEREAS, through his leadership role in the Fenton Township Service Club, Mr. Culpepper was instrumental in many activities that raised funds for law enforcement and fire protection services in Fenton Township;*

*THEREFORE BE IT RESOLVED, that the Fenton Township Board of Trustees hereby recognizes Bertram C. Culpepper for his valuable contributions to our community and expresses sincere appreciation and gratitude for his dedicated service to the government and citizens of Fenton Township, and*

*BE IT FINALLY RESOLVED, that a copy of this resolution be spread upon the minutes of this meeting and a copy provided to Mr. Culpepper.*

Motion to adopt Resolution No. 2002-14 as presented.

Motion by: McKenna

Seconded: All

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

Nays: None

Motion carried. Resolution declared adopted.

Mr. Culpepper, who was in attendance, thanked the board for the opportunity to serve the community. He stated that it has been an enjoyable nine plus years and he's now looking forward to spending more time in warmer climates. All in attendance applauded Mr. Culpepper's achievements and contributions.

**Resolution No. 2002-13, Honoring Planning Commissioner Frank Cramer**

Supervisor Gabrielson stated that an honorary resolution had been prepared for Frank Cramer, whose term on the Planning Commission is ending after nine years. He presented the following resolution:

**RESOLUTION NO. 2002-13**

*WHEREAS, Frank H. Cramer will finish his term of office as a member of the Fenton Township Planning Commission as of May 31, 2002, and*

*WHEREAS, Mr. Cramer has been a resident of Fenton Township for many years, during which time he has contributed greatly to the progress and welfare of the community, most notably as a member of the Fenton Township Planning Commission and the Fenton Township Service Club, and*



**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MAY 21, 2002**

*WHEREAS, Mr. Cramer served loyally and faithfully as a member of the Fenton Township Planning Commission from 1993 to 2002, exhibiting the qualities of vision and leadership throughout his tenure as an appointed official, and*

*WHEREAS, during Mr. Cramer's terms of office, the Fenton Township Planning Commission has guided and overseen the growth and development of the Township during a time of significant transition, including the development and adoption of an updated Land Use Plan and an updated Zoning Ordinance, and*

*WHEREAS, through his leadership role in the Fenton Township Service Club, Mr. Cramer was instrumental in many activities that raised funds for law enforcement and fire protection services in Fenton Township;*

*THEREFORE BE IT RESOLVED, that the Fenton Township Board of Trustees hereby recognizes Frank H. Cramer for his valuable contributions to our community and expresses sincere appreciation and gratitude for his dedicated service to the government and citizens of Fenton Township, and*

*BE IT FINALLY RESOLVED, that a copy of this resolution be spread upon the minutes of this meeting and a copy provided to Mr. Cramer.*

Motion to adopt Resolution No. 2002-13 as presented.

Motion by: McKenna

Seconded: All

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

Nays: None

Motion carried. Resolution declared adopted.

**NON-AGENDA ITEM:**

Supervisor Gabrielson addressed a group of residents from Wenwood Drive about their letter of protest regarding a concrete block wall built by one of their neighbors. He stated that the wall does not violate the Township's Zoning Ordinance and, while not aesthetically pleasing, it is legal. Further, it appears that the wall was built because of a dispute between neighboring property owners. Trustee Mathis questioned the wall being built to the water's edge. Clerk Mueller stated that the "meandering rights" on lakes were abolished years ago. A fence or wall can be built to the water's edge, provided it does not exceed 30 inches in height beyond the sight line. Trustee Rowe agreed that the wall is unattractive and suggested that the board may want to review the ordinance. Supervisor Gabrielson cautioned against amending the Zoning Ordinance based on an isolated case, and that the root of this issue is not the Zoning Ordinance, but a neighborhood dispute. Trustee Krug agreed with Trustee Rowe, adding that a significant number of ZBA cases involve sight line issues. The provisions of the Zoning Ordinance are worth looking into.

Public Comment:

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MAY 21, 2002**

The following individuals spoke on this issue:

Mary Roberts, 13400 Wenwood Drive  
Bill Miller, 13374 Wenwood Drive  
Les Scott, 12499 Margaret Drive  
Larry Fray, 13318 Wenwood Drive  
Don Frew, 13366 Wenwood Drive

Their concerns included:

- ❑ The wall represents a safety hazard
- ❑ Such walls or fences should have a setback requirement to allow maintenance without trespassing
- ❑ Allowing such a wall negatively affects the surrounding property values
- ❑ Sight line encroachment
- ❑ The Zoning Ordinance should be reviewed and the standards changed

The question was also asked if there was any legal recourse in this situation. Attorney Cooley responded that there is no basis for legal action by the Township because no ordinance has been violated. The residents are free to seek legal advice on their own regarding any potential civil action.

Clerk Mueller stated that the Zoning Ordinance will be reviewed, but any amendments must maintain an acceptable balance.

**NEW BUSINESS:**

**Request for Class C Liquor License – Head 2 Head, LLC**

Rob McColgan of Head 2 Head LLC (d.b.a. Legends Tavern & Pizzeria) addressed the board regarding his request to upgrade their existing Tavern License to a full Class C Liquor License. He believes this upgrade will help their establishment remain competitive and viable. Trustee Mathis supports the request. Legends is a well-run establishment and an asset to the Township. Trustee Krug asked if a significant number of the establishment's patrons are minors. Mr. McColgan responded that a vast majority of their customers are adults, adding that minors are not allowed in the establishment after 8:00 p.m. unless accompanied by a parent. Clerk Mueller stated that the business already has a good track record for being a responsible establishment. He supports approval of the liquor license. The following resolution was presented:

**RESOLUTION NO. 2002-16**

WHEREAS, **Head 2 Head, LLC** was issued a Tavern License with Entertainment Permit in 2000 for their business located at 3235 Thompson Road, and

WHEREAS, **Head 2 Head, LLC** has requested that the Fenton Township Board consider recommending for approval their request for a Class C Liquor License with Entertainment Permit at that same location.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MAY 21, 2002**

THEREFORE BE IT RESOLVED, that the request from **Head 2 Head, LLC** for a Class C Liquor License with Entertainment Permit for a business located at 3235 Thompson Road, Fenton, Michigan 48430, Genesee County, to be issued "ABOVE ALL OTHERS" be considered for **Approval** "ABOVE ALL OTHERS".

Motion to adopt Resolution No. 2002-16 as presented.

Motion by: Mueller

Seconded: Mathis

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

Nays: None

Motion carried. Resolution declared adopted.

**PRESENTATION:**

**BKR Dupuis & Ryden – Financial Report for Fiscal Year Ended December 31, 2001**

Supervisor Gabrielson introduced Brian Ross of BKR Dupuis & Ryden. He presented an overview of Fenton Township's 2001 financial statements. Areas highlighted included:

- ⇒ General Fund unreserved fund balance of \$862,869 represents approximately five months of budgeted expenditures.
- ⇒ General Fund revenues increased 12% from the previous year. Expenditures increased approximately 14%.
- ⇒ All General Fund expenditure categories were within the approved budget for 2001.
- ⇒ The sewer fund continues to maintain a healthy cash balance.
- ⇒ For the seventh consecutive year, no internal control deficiencies were noted in the review of accounting policies and procedures.

**MEETING MINUTES:**

Trustee Mathis asked to have language regarding the detailed expenditure report and newspaper advertising for job openings added to the 5/6/02 meeting. The minutes of the 5/6/02 regular meeting stand approved as amended. The minutes of the 5/4/02 workshop meeting stand approved as presented.

**EXPENDITURES:**

Treasurer Garfield noted that there were a number of manual checks included in this meeting's expenses. She asked Supervisor Gabrielson to monitor and limit requests for manual checks as much as possible. Supervisor Gabrielson agreed. 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.

**REPORTS:**

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MAY 21, 2002**

**In Between Campground**

Treasurer Garfield asked if the In Between Campground had been approved for additional trailer sites and the status of using their entrance from Ponemah Drive. Supervisor Gabrielson stated that the campground is still limited to 17 total sites. Although the entrance from Ponemah Drive has been locked for several months, it is a legal entrance due to the issuance of a permit from the Genesee County Road Commission. Treasurer Garfield also questioned the status of the filling operations at that site. The DEQ has been notified but has yet to issue any report or take action.

**Proposed Noise Ordinance**

Clerk Mueller reported that Ypsilanti Township has had good success enforcing a noise ordinance designed to limit noise generated by car stereos. Because the ordinance is based on a 50-foot distance test, rather than being based on decibels, it has met with less resistance and fewer challenges. He recommends that the Township consider adopting such an ordinance. A copy will be forwarded to Attorney Cooley, who will report back to the board.

**COMMUNICATIONS:**

None

**UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:**

None

**UNFINISHED BUSINESS-OTHER:**

None

**NEW BUSINESS:**

**Appointments to Fenton Township Planning Commission**

Supervisor Gabrielson reported that several interviews have been conducted over the past several weeks to meet with candidates for the two open seats on the Fenton Township Planning Commission. He was impressed with all individuals that were interviewed; they were well qualified with a genuine interest in serving their community. Based on the results of the interviews and the qualifications of the individuals, he recommends the appointment of Eve M. Avendt and Kenneth J. Hill to the Planning Commission.

Motion to appoint Eve M. Avendt and Kenneth J. Hill to the Fenton Township Planning Commission for the term ending May 31, 2005.

Motion by: Gabrielson

Seconded: McKenna

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

Nays: None

Motion carried.

**Resolution No. 2002-15, GCRC Contract - Silvercrest Drive**

Supervisor Gabrielson reviewed the contract with the Genesee County Road Commission for the Silvercrest Drive improvement project. The board had previously agreed to honor

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MAY 21, 2002**

its prior policy of 25% participation in the special assessment project because it was initiated before the policy was changed. Clerk Mueller presented the following resolution:

**RESOLUTION NO. 2002-15**

*WHEREAS, Pursuant to Act 246 of the Public Acts of 1931, as amended, a Special Assessment District has been created for the making of certain improvements and/or repairs upon County Local Roads within the Charter Township of Fenton, and*

*WHEREAS, the Township is desirous of entering into a contract with the Board of County Road Commissioners of the County of Genesee, Michigan for the improvements and/or repairs of:*

***SILVER CREST DRIVE, extending NW'ly thence NE'ly & S'ly to and including circular turn-around, as shown in the recorded plats of Silver Knoll Estates (Liber 35, page 27) & Silver Knoll Estates No. 2 (Liber 46, pages 34 & 35), Section 33, Fenton Township, Genesee County, Michigan,***

*THEREFORE BE IT RESOLVED, by the Charter Township of Fenton Board of Trustees that the Township Supervisor and Township Clerk be and are hereby authorized to sign said contract on behalf of this Township Board.*

Motion to adopt Resolution No. 2002-15 as presented.

Motion by: Mueller

Seconded: Garfield

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

Nays: None

Motion carried. Resolution declared adopted.

**Genesee County Road Commission – Dust Control Contract**

Supervisor Gabrielson reviewed the proposed 2002 Dust Control Contract with the Genesee County Road Commission. This year the County will use mineral well brine for dust control instead of calcium chloride. The cost of mineral well brine is less than ½ the cost of calcium chloride. This will result in a significant savings. Due to the lower cost, the board agreed to have three applications (May, July & September). The Township will be responsible for the 2<sup>nd</sup> and 3<sup>rd</sup> applications.

Motion to approve the 2002 Dust Control Contract with the Genesee County Road Commission as presented, and to authorize the Township Supervisor and Township Clerk to execute said contract on behalf of Fenton Township.

Motion by: Krug

Seconded: Rowe

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

Nays: None

Motion carried.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MAY 21, 2002**

**Thompson Road Corridor Study**

Supervisor Gabrielson noted that all board members had received the Thompson Road Corridor Study prepared by Rowe Incorporated. Ken Wells of Rowe will make a presentation on the plan at the 6/4/02 meeting.

**Proposed Purchase of Sewer Pump Station Generators**

The board reviewed a proposal to purchase seven generators to be permanently located at certain sanitary sewer pump station locations to provide backup power. The board decided to postpone action on the proposal until alternate price quotes could be obtained.

**Proposed Hiring of Temporary Part-Time Employee**

Supervisor Gabrielson asked the board to approve the hiring of a part-time employee for the summer months. This temporary employee will fill the gap in the high school co-op program schedule and provide the same type of support (back-up receptionist, special projects, etc.). Mary Beers, a University of Michigan student, previously worked a brief internship with Fenton Township and proved to be an excellent worker. He recommends hiring Ms. Beers for this position.

Motion to hire Mary Beers as a temporary part-time employee for the summer months, as recommended.

Motion by: Mueller

Seconded: Rowe

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

Nays: None

Motion carried.

**Installment Purchase Contract – Fenton Township Hall Renovation Project**

Office Manager Broecker reported that three banks had submitted proposals to finance the Fenton Township Civic Community Center renovation project. The proposals for the 15-year Installment Purchase Contract were opened and reviewed on May 14, 2002. The interest rate proposals were as follows:

Bank One	4.97%
Citizens Bank	4.90%
State Bank	4.50%

Based on the proposals, it is recommended that State Bank be selected to finance the project. The board reviewed the Installment Purchase Contract document and Clerk Mueller presented the following resolution:

**RESOLUTION NO. 2002-17**

*WHEREAS, the Charter Township of Fenton (the "Township"), has entered into a contract with B & T General Contractors, Inc. (the "Seller") for the acquisition of civic community center improvements (the "Property") at a purchase price of \$1,069,200; and*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MAY 21, 2002**

*WHEREAS, it is determined to be in the best interest of the Township that the acquisition of the Property be financed by installment purchase as authorized under the provisions of Act No. 99, Public Acts of Michigan, 1933, as amended, and more specifically by an installment purchase contract among the Township, the Seller and The State Bank (the "Assignee") in the amount of \$1,069,200 (the "Contract"); and*

*WHEREAS, the aggregate outstanding balance, exclusive of interest, of all contracts and agreements for purchase by the Township of lands, property or equipment for public purposes, including the Contract, does not exceed 1-1/4% of the taxable value of the real and personal property in the Township.*

*NOW, THEREFORE, BE IT RESOLVED that:*

- 1. The Contract in the form presented to the Board is approved, and the Supervisor and Clerk are authorized and directed to execute and deliver the Contract for and on behalf of the Township with such insertions and changes of a ministerial nature they shall deem necessary or appropriate for purposes of carrying out this resolution, which insertions and changes are authorized and approved. The Contract shall be dated as of the date of closing.*
- 2. The Township hereby pledges its full faith and credit for the payment of its obligations under the Contract, and the Board shall include in the general operating budget of the Township, until the Contract has been paid in full, such sum or sums as shall be necessary to make payment of the principal and interest when and as the same become due in accordance with the provisions of the Contract.*
- 3. The Township covenants to comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code"), necessary to maintain the exclusion of interest on the Contract from gross income for federal income tax purposes.*
- 4. The Supervisor, Clerk and other officers of the Township as may be necessary are authorized to execute and deliver such documents, instruments and certificates as are necessary or desirable to consummate the described transaction and to maintain the exclusion of the interest on the Contract from gross income for federal income tax purposes.*
- 5. The Board hereby designates the Contract as a "qualified tax exempt obligation" for the purpose of deduction of interest expense by financial institutions under Section 265(b)(3)(B) of the Code.*
- 6. The useful life of the Property is determined to be fifteen years and upwards.*

Motion to adopt Resolution No. 2002-17 as presented.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Motion carried. Resolution declared adopted.

**PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:**

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF MAY 21, 2002**

Proposed Lawn Maintenance Ordinance

Clerk Mueller reviewed a letter from resident Marge Johnson encouraging the board to pursue the adoption of a lawn maintenance ordinance. The grass in an adjacent property has been allowed to grow very long, resulting in mice, snakes and generally unattractive appearance. Attorney Cooley recommended that the township not adopt such an ordinance. It is extremely difficult to enforce and generally results in a lot of wasted time.

Ed Farrell, 4462 Eleanor Drive

Mr. Farrell inquired about the long dock he questioned at the last meeting. The issue has been reviewed and turned over to the DEQ for investigation.

**ADJOURN:** Meeting adjourned at 11:05 p.m.

\_\_\_\_\_  
Carl Gabrielson, Supervisor

\_\_\_\_\_  
Charles Mueller, Clerk

**Minutes Posted 5/24/02**