

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

**LAKE FENTON HIGH SCHOOL
11425 TORREY ROAD, 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 7/1/02 Fenton Township Board Meeting agenda as amended.

Motion by: McKenna

Seconded: Garfield

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

Trustee Mathis, who was absent from the previous meeting, stated that she disagreed with the board's decision to designate Lawrence Engineering as a second Township Engineer. She is concerned about potential conflict of interest because Lawrence Engineering also does private work in Fenton Township. She also stated that she is not in favor of establishing the requested special assessment districts for the water system and sewer connections in the Fenton Midtown development. Attorney Cooley clarified that he had spoken to the developer, who wants the assessment districts to allow them to advertise a lower price on their homes. Because it was clear at the last meeting that the Township Board was not in favor of the request, the developer may not pursue the issue further.

The minutes of the 6/4/02 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices for payment as presented.

Motion by: McKenna

Seconded: Krug

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

None

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REPORTS:

Ordinance Enforcement Quarterly Report

Supervisor Gabrielson briefly reviewed the quarterly activity report from the Ordinance Enforcement Officer.

Fire Department Update

Treasurer Garfield reported that Fire Chief Moulton has submitted a list of 16 potential sites for dry hydrant installations. He would like to install 4-5 per year throughout the township. The cost per hydrant will be approximately \$1,500-2,000. The budget will be reviewed to look for ways to absorb this expense.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Proposed Noise Abatement Ordinance/1st Reading

Supervisor Gabrielson reviewed a proposed ordinance to minimize noise pollution, particularly from car stereos. Clerk Mueller stated that a similar ordinance has been successfully enforced in Washtenaw County. Attorney Cooley has reviewed the proposed ordinance and believes it can be effectively enforced. The board briefly discussed the proposed ordinance before closing the first reading. The second reading of the proposed ordinance will be conducted at the 7/22/02 meeting.

UNFINISHED BUSINESS-OTHER:

July Workshop Meeting

Supervisor Gabrielson recommended that the July workshop meeting be moved to a Monday evening. The board agreed to schedule the workshop for 7:00 p.m. on Monday July 15, 2002, at the temporary Fenton Township Office.

Fence Provisions/Zoning Ordinance

Trustee Mathis asked that the issue of fence requirements be part of the workshop agenda. She is concerned about additional masonry walls being constructed and asked if the board could place a moratorium on fence permits until an amendment for that section of the Zoning Ordinance could be enacted.

Motion to place a temporary ban on the issuance of permits for masonry fences, walls or barriers in residential districts until September 30, 2002.

Motion by: Mueller

Seconded: Mathis

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

Nays: None

Motion carried.

NEW BUSINESS:

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Lot Split # ZBA02-026, platted lot redistribution, parcels 06-16-527-024 / 025 / 026

Supervisor Gabrielson reviewed the proposed lot redistribution. Two of the three existing lots front on the vacated Chippewa Street. The requested redistribution would result in two lots, both fronting on Minnetonka Drive. The Zoning Board of Appeals has granted the variances necessary to allow the splits. Trustee McKenna expressed concern regarding lake access issues. He suggested that the legal descriptions and the lake access be reviewed by the Township Attorney as a condition of approval.

Motion to approve the redistribution of parcels 06-17-527-024, 06-16-527-025 and 06-16-527-026 as requested, with the condition that the Township Attorney review the legal descriptions and lake access privileges of the resulting parcels.

Motion by: Mueller

Seconded: Garfield

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

Nays: None

Motion carried.

Preliminary Plat Final Approval – McCully Lake Estates No. 2

Supervisor Gabrielson reviewed the site plan for phase 2 of the McCully Lake Estates subdivision. There are no changes since the last Planning Commission approval. Trustee McKenna suggested placing a condition on the approval to require the developer to install the dry hydrants, which were promised by the developer.

Motion to grant final approval for the Preliminary Plat of McCully Lake Estates No.2, with the condition that the developer install dry hydrants as previously agreed.

Motion by: McKenna

Seconded: Garfield

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

Nays: None

Motion carried.

Resolution No. 2002-20, Byram Lake Drive Improvement Special Assessment Roll

Office Manager Broecker reported that the paving project for Byram Lake Drive has been sent out for bids. The bids are due back on July 17, 2002. A resolution is necessary to schedule a public hearing on the assessment roll. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2002-20

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 \$126,247.00 covering all parcels of land in the Byram Lake Drive Road Improvement Special Assessment District, and has affixed thereto his Certificate as required by said Resolution;

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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 July 22, 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 Byram Lake Drive 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. 2002-20 as presented.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Motion carried. Resolution declared adopted.

Resolution No. 2002-21, Transfer of CDBG Funds

Supervisor Gabrielson noted that the Loose Senior Citizen Center is looking for additional CDBG funds to pay for their parking lot project. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2002-21

WHEREAS, the Charter Township of Fenton has supported and continues to support the operation of the Loose Senior Citizen Center through allocation of CDBG funds, and

WHEREAS, the Loose Senior Citizen Center is in need of parking lot renovations and other capital improvements, and

WHEREAS, the City of Linden has submitted a CDBG project application for said improvements;

THEREFORE BE IT RESOLVED, that the Fenton Township Board of Trustees hereby authorizes the transfer of \$1,496.39 from its 2001 CDBG allocation and

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\$15,603.61 from its 2002 CDBG allocation to City of Linden project account # 01-14 for Loose Senior Citizen Center Improvements.

Motion to adopt Resolution No. 2002-21 as presented.

Motion by: Mueller

Seconded: Mathis

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

Nays: None

Motion carried. Resolution declared adopted.

Resolution No. 2002-22, Curtwood/Silver Ridge Special Assessment Effective Date

Office Manager Broecker reported that the bond attorney had requested an additional resolution be adopted for the Curtwood/Silver Ridge Road Improvement Special Assessment District. The resolution establishes the effective date for interest on the assessments. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2002-22

WHEREAS, the Board adopted a resolution confirming the special assessment roll for the Curtwood Drive/Silver Ridge Road Improvement Special Assessment District (the "District") on June 18, 2002; and

WHEREAS, the Board desires to amend such resolution as hereinafter described.

NOW, THEREFORE, BE IT RESOLVED as follows:

- 1. A special assessment made on the special assessment roll for the District, or any installment of a special assessment, may be paid in full without interest before September 1, 2002.*
- 2. All amounts not so paid before September 1, 2002, shall be payable in ten (10) equal annual installments of principal that shall be due on or before February 28 in each of the years 2002 through 2011.*
- 3. That portion of any assessment not paid before September 1, 2002, shall bear interest until paid from September 1, 2002, at a rate which is 1% above the average rate of interest borne by bonds to be sold by the Township in anticipation of the collection of the special assessments. Interest shall be due annually on February 28.*
- 4. Except as amended herein, the resolution confirming the special assessment roll for the District shall remain in full force and effect.*

Motion to adopt Resolution No. 2002-22 as presented.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Motion carried. Resolution declared adopted.

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Resolution No. 2002-23, Woodhull Landing Special Assessment Effective Date

Office Manager Broecker reported that, similar to the previous resolution, the bond attorney had also requested that the same resolution be adopted for the Woodhull Landing Road Improvement Special Assessment District. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2002-23

WHEREAS, the Board adopted a resolution confirming the special assessment roll for the Woodhull Landing Road Improvement Special Assessment District (the "District") on June 18, 2002; and

WHEREAS, the Board desires to amend such resolution as hereinafter described.

NOW, THEREFORE, BE IT RESOLVED as follows:

- 5. A special assessment made on the special assessment roll for the District, or any installment of a special assessment, may be paid in full without interest before September 1, 2002.*
- 6. All amounts not so paid before September 1, 2002, shall be payable in ten (10) equal annual installments of principal that shall be due on or before February 28 in each of the years 2002 through 2011.*
- 7. That portion of any assessment not paid before September 1, 2002, shall bear interest until paid from September 1, 2002, at a rate which is 1% above the average rate of interest borne by bonds to be sold by the Township in anticipation of the collection of the special assessments. Interest shall be due annually on February 28.*
- 8. Except as amended herein, the resolution confirming the special assessment roll for the District shall remain in full force and effect.*

Motion to adopt Resolution No. 2002-23 as presented.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Motion carried. Resolution declared adopted.

Resolution No. 2002-24, New Traffic Signal at Fenton/Thompson Road Intersection

Supervisor Gabrielson reported that the Genesee County Road Commission has agreed to install a traffic signal at the intersection of Thompson Road and Fenton Road. The County will assume the cost of installation and maintenance of the signal. The Township will assume the cost for electricity. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2002-24

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WHEREAS, arrangements have been made with the Genesee County Road Commission to install a stop and go traffic signal at the intersection of Fenton Road and Thompson Road, and

WHEREAS, this arrangement provides that the Road Commission and the Township shall participate in the cost of the installation and operation of the signal as follows:

- 1. The cost of the installation shall be borne by the Road Commission*
- 2. The Road Commission will assume the cost of the future maintenance of the signal.*
- 3. The Township will assume the cost of the electricity required to operate the signal.*

NOW, THEREFORE, BE IT RESOLVED, that the Fenton Township Board of Trustees hereby authorizes Consumers Energy to furnish electricity to the foregoing mentioned signal, and

BE IT FURTHER RESOLVED, that the Charter Township of Fenton will pay the invoices submitted to it by Consumers Energy for electricity furnished for operating the signal.

Motion to adopt Resolution No. 2002-24 as presented.

Motion by: Krug

Seconded: Mathis

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

Nays: None

Motion carried. Resolution declared adopted.

Schedule Election Commission Meeting

Clerk Mueller announced that an Election Commission meeting has been scheduled for 6:45 p.m. on Monday July 15, 2002, at the Fenton Township temporary office facility. This meeting is to appoint election inspectors for the August 5th primary election.

Fenton Township Budget – Proposed 2nd Quarter Amendments

Office Manager Broecker reviewed proposed amendments to the Fenton Township Budget. The board agreed not to transfer any budget amounts from the Building & Grounds department to the Building Construction department at this time.

Motion to approve amendments to the 2002 Fenton Township Budget, as revised.

Motion by: McKenna

Seconded: Krug

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

Nays: None

Motion carried.

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Sanitary Sewer Repair Contractor

Supervisor Gabrielson reported that, as a result of the findings from the Sanitary Sewer Inventory Project, many repairs and corrections have been completed in recent months, (repairing and/or raising manholes, repairing sewer mains, etc.). Burden & Son Excavating, who up to this point in time has been performing this repair work, is no longer available to provide these services. In order to keep up with the rest of the inventory process it is essential that the Township retain another qualified contractor as soon as possible. Mr. Burden has recommended Bostwick Excavating, a well-qualified contractor capable of providing this service to Fenton Township. Supervisor Gabrielson recommends that the Township Board hire Bostwick Excavating to perform sewer related repairs or, as an alternative, Bostwick could be hired for a three-month trial period. During the three months, the Township could gather information on other qualified contractors and a final decision could be made in September. The board agreed that the three month period is the better approach.

Motion to hire Bostwick Excavating, Inc. for a period of 90 days to complete sanitary sewer related repairs and upgrades.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Motion carried.

Sewer Line Protrusion Cleanout Contractor

Supervisor Gabrielson reminded the board of their recent action to hire Precision Pipe Services to videotape the Township's sanitary sewer lines. Now that the project is underway, a new problem has emerged. Many of our sewer lines have protrusions that prevent the camera from passing through the lines cleanly, (tree roots, protruding leads, calcium deposits, etc.). These protrusions not only make it difficult to videotape the lines, they also greatly increase the risk of blockage in the line. In order to move forward with the videotape project, and to reduce the risk of line blockages and sewer backups, it is essential that the Township retain the services of a contractor who can correct these problems. The Township has only been able to locate two such contractors, (one is actually from Canada). The board reviewed the two price quotations and it was suggested that the board authorize the Supervisor to make the final decision after clarifying a few items in the quotes.

Motion to authorize the Township Supervisor to hire a contractor to ream sanitary sewer lines, based on clarification of price quote issues.

Motion by: Mueller

Seconded: Krug

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

Nays: None

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

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David Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft commended the Genesee County Sheriff Marine Patrol for their enforcement work on Lake Ponemah.

Mr. Hawcroft reported that a sewer manhole on Ponemah Drive, which was recently raised, is not level and should be looked at. Supervisor Gabrielson will follow up with the contractor.

Mr. Hawcroft reported that the week control treatments have been very effective on part of Lake Ponemah, but not in others. Office Manager Broecker will follow up with Aquatic Nuisance.

ADJOURN: Meeting adjourned at 9:00 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 7/3/02