

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JULY 22, 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 7/22/02 Fenton Township Board Meeting agenda as presented.

Motion by: Krug

Seconded: Mueller

Ayes: All

Nays: None

Motion carried. The agenda is approved.

PRESENTATION:

Rowe Incorporated – Thompson Road Corridor Study

Ken Wells of Rowe Incorporated presented an overview of the Thompson Road Corridor Study and the conceptual development plan recommended by the Steering Committee. This study is the result of extensive work and input from the Steering Committee and members of the general public. After the study is adopted, the next step in the process is the development and adoption of overlays for the Township's Land Use Plan and Zoning Ordinance. The conceptual plan includes:

- ❑ The construction of a single-point interchange at U.S.-23 and Thompson Road.
- ❑ Widening Thompson Road to three lanes, with the ability to expand to five lanes in the future.
- ❑ The use of access roads for all businesses, minimizing the number of driveways on Thompson Road.
- ❑ The construction of new water and sewer lines to service the corridor.

Trustee Mathis expressed concern regarding the adoption of the study before infrastructure costs and development demand are known. Trustee McKenna responded that approval of the study would allow the Township to begin working with MDOT and the Genesee County Road Commission on funding the improvements to the interchange and Thompson Road. These improvements take a considerable amount of time and it is in the best interests of the Township to get on the schedule as soon as possible. While infrastructure cost and other issues are not yet defined, approving the study is an important first step in the development process. Supervisor Gabrielson stated that the purpose of the study is to provide direction for future development of the corridor area. Clerk Mueller pointed out that the existing zoning and land use designations would already allow commercial and industrial development along Thompson Road, but without the control that a corridor plan would provide. Trustee Krug agreed that the Township

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needs to move forward with the plan, but that bigger decisions regarding future development are yet to come. Trustee Mathis requested that she included in future meetings of the Corridor Study Steering Committee.

Motion to approve the Thompson Road Corridor Study as presented.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Motion carried.

MEETING MINUTES:

The minutes of the 7/1/02 regular meeting and the 7/15/02 workshop 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:

Byram Lake Drive Road Improvement Special Assessment District/2nd Hearing

Supervisor Gabrielson reviewed the assessment roll for the Byram Lake Drive Road Improvement Special Assessment District. The district includes 23 parcels, each being assessed \$4,884.00. The assessment may be paid in full or divided into ten annual installments, with interest.

Public Comment:

Bill Sloan, 6021 Byram Lake Drive

Mr. Sloan asked why each parcel was assessed the same amount when the petition requirements were based on frontage. Office Manager Broecker explained that the statute requires that the petition sufficiency be determined by frontage, however the petition language specifically requested that the costs be spread on a pro-rata, (equal share) basis. Mr. Sloan also asked why properties located in the City of Linden, which also front on the road, are not being assessed. Office Manager Broecker responded that current laws do not allow the Township to assess properties outside its boundaries.

Joan Sloan, 6021 Byram Lake Drive

Ms. Sloan asked if the property owners on the private portion of Byram Lake Drive will still be assessed for road maintenance. Supervisor Gabrielson stated that the maintenance assessment will continue because that portion of the road will still be private. He will approach the Genesee County Road Commission regarding the possibility of taking over that section of road.

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Chris Anderson, 6085 Byram Lake Drive

Mr. Anderson asked about how the cost of the project is assessed. Supervisor Gabrielson responded that the principal would be divided into ten annual installments. Interest would be calculated at 1% above the rate of the bonds issued to finance the project. Mr. Anderson stated that he fully supports the project.

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

RESOLUTION NO. 2002-25

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 road improvement project proposed to be initiated within the Byram Lake Drive Road Improvement 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, a record of those present to protest, and of written protests submitted at or before the public hearing, if any, was made a part of the minutes of the hearing, and

AND WHEREAS, revised cost information resulting from the project bids indicated the reasonableness of the following amendments to said assessment roll:

The total construction cost is revised to \$77,255.95 and the contingency amount is reduced to 10%. The amended assessment per parcel is \$4,884.00.

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 Fenton Township Special Assessment Roll No. 2002-7, and shall hereby be confirmed as the assessment roll for the Byram Lake Drive Road Improvement Special Assessment District, and

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BE IT FURTHER RESOLVED, that a special assessment made on the special assessment roll for the Byram Lake Drive Road Improvement Special Assessment District, or any installment of a special assessment, may be paid in full without interest before September 1, 2002, and

BE IT FURTHER RESOLVED, that 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 2003 through 2012, and

BE IT FURTHER RESOLVED, that 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, and

BE IT FURTHER RESOLVED, that future due installments of an assessment against any parcel of land may be paid to the Fenton Township Treasurer at any time in full with interest accrued through the month in which the final installment is paid in accordance with Michigan Public Act 188 of 1954, as amended. 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, also in accordance with said Act 188.

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 FINALLY 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. 2002-25 as presented

Motion by: Mueller

Seconded: Garfield

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

Nays: None

Motion carried. Resolution declared adopted.

REPORTS:

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Project Update – Fenton Township Civic Community Center Renovations

Supervisor Gabrielson briefly reviewed a project time line for the Fenton Township Civic Community Center renovation project. It was reported that the lower level is approximately one week behind schedule due to some unforeseen demolition problems. The upper floor is on schedule and it is anticipated that the entire project will meet the overall deadline.

Ordinance Enforcement Vehicle

Supervisor Gabrielson reviewed a list of recent repairs for the Ordinance Enforcement vehicle. Due to the age of this vehicle, and the Building Inspector and Fire Department cars, he recommends looking into leasing vehicles. Trustee Rowe suggested obtaining costs for leasing and buying and also recommended the use of 4-wheel drive pickups for both the Ordinance Enforcement Officer and Building Inspector. Supervisor Gabrielson will conduct further research and report back to the board.

Advanced Pest Management Report

Supervisor Gabrielson briefly reviewed an update report from Advanced Pest Management.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Proposed Noise Abatement Ordinance/2nd Reading

Supervisor Gabrielson briefly reviewed the proposed ordinance. There was no further discussion.

Motion to adopt Ordinance No. 595, regarding noise abatement, as presented.

Motion by: Mueller

Seconded: Krug

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

Nays: None

Motion carried. Ordinance declared adopted.

Rezoning # R02-001, Robert Cairnduff, 06-21-100-008; AG to R-3/1st Reading

Supervisor Gabrielson reviewed the proposed rezoning ordinance. The Planning Commission has recommended approval of the rezoning. The applicant explained that he intends to split off two parcels to allow two homes to be built. There was no public comment. The second reading of the proposed ordinance will be conducted at the 8/5/02 meeting.

UNFINISHED BUSINESS-OTHER:

None

NEW BUSINESS:

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Preliminary Plat Tentative Approval – Pinnacle Shores No. 3

Supervisor Gabrielson briefly reviewed the site plan for the third phase of the Pinnacle Shores subdivision. There are no changes from the original plan.

Motion to grant tentative approval for the Preliminary Plat of Pinnacle Shores No. 3, as presented.

Motion by: Mueller

Seconded: McKenna

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

Nays: None

Motion carried.

Resolution No. 2002-26, Liquor License Transfer

Supervisor Gabrielson reviewed a proposed resolution to transfer an existing liquor license and dance permit to the new owners of the former *Dockside Bar*. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2002-26

WHEREAS, Tee Bone’z Too, Inc. has requested that the Charter Township of Fenton Board of Trustees recommend the approval of the transfer of an existing Class C licensed business with Dance Permit from Nancy Carol, Inc., for the existing business located at R-1, G-3482 Silver Lake Road;

THEREFORE BE IT RESOLVED, that the request Tee Bone’z Too, Inc. to transfer ownership of 2001 Class C licensed business with Dance Permit, located in escrow at R-1, G-3482 Silver Lake Road, Fenton Township, Genesee County, from Nancy Carol, Inc. be considered for approval.

Motion to adopt Resolution No. 2002-26 as presented.

Motion by: Mueller

Seconded: Garfield

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

Nays: None

Motion carried. Resolution declared adopted.

Resolution No. 2002-27, Road Maintenance Special Assessment – Woodhaven Drive

Office Manager Broecker reported that the property owners fronting the private road known as Woodhaven Drive have petitioned for a road maintenance special assessment district. A resolution is necessary to schedule a public hearing on the creation of the special assessment district. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2002-27

WHEREAS, the Fenton Township Board has accepted a petition from the record owners of properties fronting on the private street known as Woodhaven Drive to

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establish a special assessment district for the purpose of maintaining the road through snow plowing and routine maintenance, and

WHEREAS, it has been determined that the petition has been signed by the record property owners representing more than 50% of the road frontage in the proposed special assessment district, and

WHEREAS, plans (if any) and estimated costs for the foregoing road maintenance 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 implement a road maintenance program for the private street known as Woodhaven Drive, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby tentatively establish the boundaries of the proposed special assessment district to include parcels 06-04-100-028 through 06-04-100-035 inclusive, 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 August 5, 2002 at the Lake Fenton High School, beginning at 7:30 p.m.

Motion to adopt Resolution No. 2002-27 as presented.

Motion by: Mueller

Seconded: Rowe

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

Nays: None

Motion carried. Resolution declared adopted.

Resolution No. 2002-29, Curtwood/Silver Ridge Special Assessment District

Office Manager Broecker reported that the amendatory resolution provided by the bond attorney, which was adopted at the last meeting, contained a typographical error. This resolution corrects that error. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2002-29

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 an amendatory resolution on July 1, 2002; and

WHEREAS, the Board desires to amend said resolutions as hereinafter described.

NOW, THEREFORE, BE IT RESOLVED as follows:

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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 2003 through 2012.*
3. *Except as amended herein, the resolutions confirming the special assessment roll for the District shall remain in full force and effect.*

Motion to adopt Resolution No. 2002-29 as presented.

Motion by: Mueller

Seconded: Krug

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

Nays: None

Motion carried. Resolution declared adopted.

Resolution No. 2002-30, Woodhull Landing Special Assessment District

Office Manager Broecker reported that the amendatory resolution provided by the bond attorney, which was adopted at the last meeting, contained a typographical error. This resolution corrects that error. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2002-30

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 an amendatory resolution on July 1, 2002; and

WHEREAS, the Board desires to amend said resolutions 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 2003 through 2012.*
3. *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. 2002-30 as presented.

Motion by: Mueller

Seconded: Garfield

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

Nays: None

Abstaining: Mathis

Motion carried. Resolution declared adopted.

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Rezoning Moratorium

Supervisor Gabrielson recommended that the Township Board remove the rezoning moratorium that was placed on 4/15/02. The Genesee County Water & Waste Division has assured the Township that additional sanitary sewer capacity will be available when needed. Removing the moratorium at this time should minimize the possibility of any potential legal problems. Attorney Cooley stated that any moratorium must have solid supporting justification. A six-month moratorium, as originally adopted, may lead to legal problems. Trustee Mathis questioned the removal of the moratorium before the completion of the sewer impact study. Supervisor Gabrielson responded that the impact study is more of a long-range planning tool and is not a necessity to make zoning decisions. Bill Winiarski of Rowe Incorporated confirmed that the impact study is geared more to long-range development. Since the capacity issues in Sewage Disposal District #3 have been addressed, the need for a blanket moratorium has been eliminated.

Motion to lift the rezoning moratorium, effective July 23, 2002.

Motion by: Mueller

Seconded: Rowe

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

Nays: None

Motion carried.

Proposed Increase to Election Inspector Pay

Clerk Mueller reviewed a recommendation from the Election Commission to increase the pay for Election Inspectors. He noted that Fenton Township is one of the lowest paying municipalities in Genesee County. The board agreed that a raise was appropriate.

Motion to increase Election Inspector pay from \$90.00 to \$125.00 and Chairpersons from \$150.00 to \$175.00 per election, effective with the August 5, 2002 Primary Election.

Motion by: Garfield

Seconded: Rowe

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

Nays: None

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

David Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked if the residents of Lake Ponemah could receive reports from the Genesee County Sheriff Marine Patrol. Supervisor Gabrielson will contact the Marine Patrol to see if they would be willing to attend a lake association meeting.

Mr. Hawcroft also asked for updates on the following issues:

Drainage repairs on Ponemah Drive

Bar access to Ponemah Drive

The permitted number of campsites at the In Between Campground

Filling operations at the campground

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Supervisor Gabrielson responded that the drainage repairs on Ponemah Drive will be completed this year. The access to Ponemah Drive is still being researched. The maximum number of campsites at the In Between Marina is 17. Filling at the campground is still under investigation. The Township has hired a wetland consultant to assist in the investigation.

DISCUSSION – NON-AGENDA ITEMS:

The board discussed enforcement issues regarding watercraft anchoring on the north end of Lake Fenton. Problems on the July 4th holiday resulted in increased enforcement on the subsequent weekend. This led to complaints by boaters and some lake residents. The board agreed that the degree of enforcement must be determined and communicated to the Genesee County Sheriff Department. Trustee Mathis asked that the Public Safety Committee be involved in the decision making process.

Trustee Krug asked if the Township Board could take any further action regarding continued violations at Lakeside Market. Attorney Cooley stated that a court order is already in effect to correct site plan deficiencies. If there are additional violations that do not fall under the court order, the Township could pursue legal action in civil court. This issue will be researched further.

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

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 7/23/02